

From: [Phillips, Brett](#)
To: [Gell, Chris](#); [Taylor, Bob](#)
Cc: [Cilliers, George](#)
Subject: FW: DA201731563 - Request for advice in relation to works being conducted in relation to DA approval... [SEC=UNCLASSIFIED]
Date: Tuesday, 31 July 2018 9:05:40 AM
Attachments: [image003.jpg](#)
[image004.jpg](#)
[DJI_0010.JPG](#)
[DJI_0003.JPG](#)
[SITE-201731563-S144B-PROPOSED-01.pdf](#)
[Letter of Objection Belconnen Section 200 Block 2 - DA201731563 FINAL.PDF](#)

For attention/ advice

Cheers
Brett

From: Pieter Van Der Walt [mailto:Pieter@CanberraTownPlanning.com.au]
Sent: Monday, 30 July 2018 8:13 PM
To: Phillips, Brett <Brett.Phillips@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>
Cc: Nichelle Jackson <Nichelle@CanberraTownPlanning.com.au>
Subject: DA201731563 - Request for advice in relation to works being conducted in relation to DA approval...

Dear Brett, George,

We are writing on behalf of our client and Lessee adjacent to Block 2 Section 200 Belconnen seeking advice in relation to works being undertaken adjacent to our land at Block 13 Section 48 Belconnen.

We received a request from the Labor Club as to the purpose of the large hole that is being excavated to the north of the Club building and adjacent to Emu Bank can be seen in the attached images. It is not clear from the DA documents that were notified for the DA Amendment regarding the need for this excavation.

We have reviewed the DA documents (and amendment set as was publicly notified) and specifically considered the Site Plan that was included in the S144 DA amendment for DA201731563 – see attached. We note that the substation structure initially proposed in this location was proposed to have been removed and relocated into the building 1B (See note 12 in attached plan as was notified). From the attached it appears that the only structure in this place would be a stairway – is this correct?

We note in the objection that the Club provided during the public notification period that specific comment was made relating to the substation relocation. This was commended by the Club at the time (again our response attached with reference to Page 15).

Could you please advise what approved works would be associated with the excavation as per the attached images please.

Thank you in advance.

Regards

Pieter

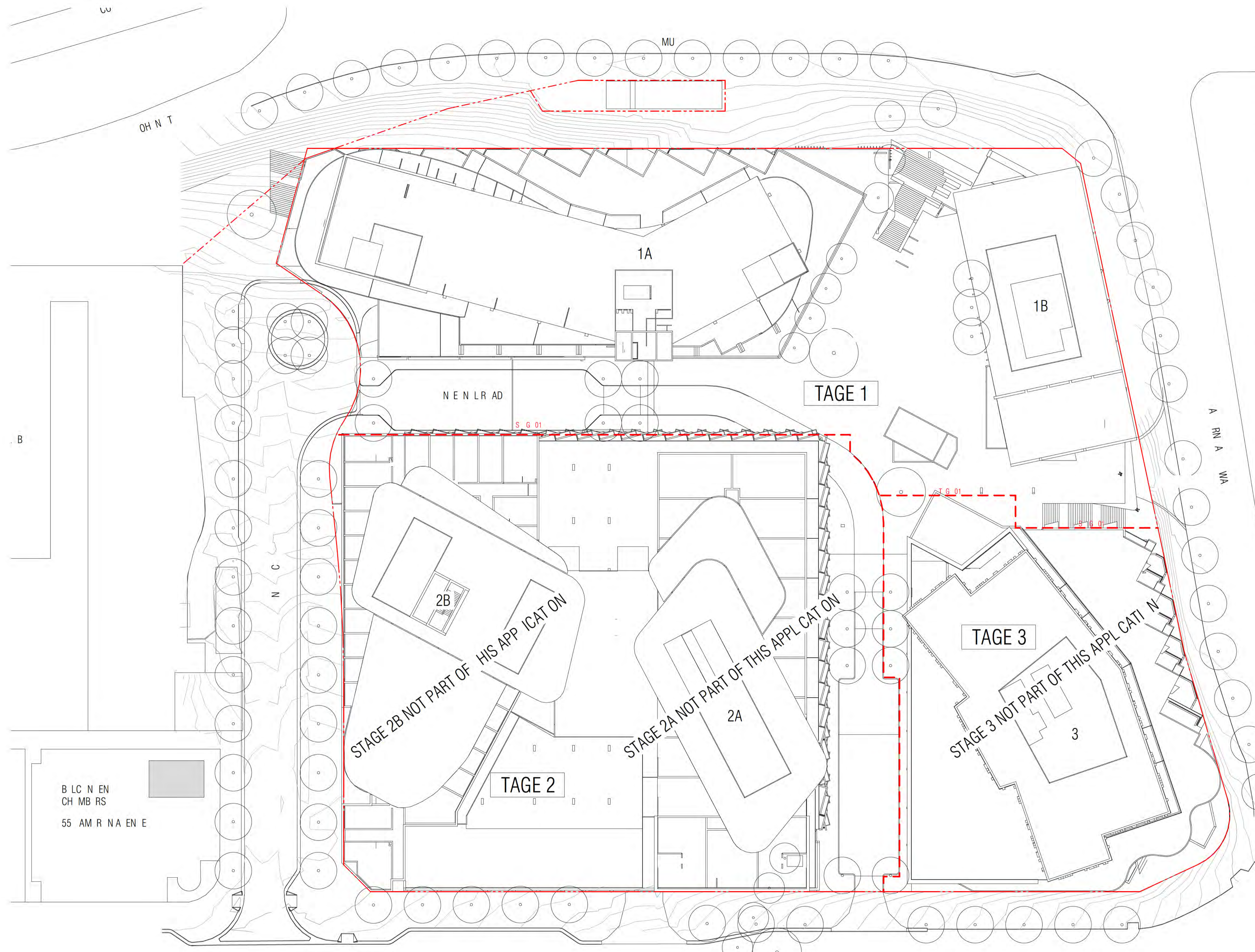


 **Pieter Van der Walt**
Director • Town Planner

Mobile 0409 550 596 

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10 November 2017

Customer Services

Environment, Planning and Sustainable Development Directorate
ACT Government

Letter of Objection: DA201731563 S144 Renotification of DA Amendment

Block 2 Section 200 Belconnen

Dear Sir/Madam,

Canberra Town Planning is acting on behalf of the Lessee of Blocks 8,9 and 13 Section 48 Belconnen (The Canberra Labor Club) in presenting this submission relating to the section 144 amendment of DA201731563 that is being re-notified until 10 November 2017.

We note our earlier submission dated 21 June 2017 that was prepared in response to and objected to a number of matters in the initial submission. Our concerns as set out below should be read alongside our June 2017 submission (attached to this submission for ease of reference).

The Club wishes to take this opportunity to voice its concerns around specific matters flowing from the DA201731563S144 proposal (as amended), and the likely impacts that this development (if approved) will have on the Club, its current and future operations, the approved hotel/commercial development at Blocks 8 and 9, and the future development potential of Block 13. We note that the Town Centre Master Plan provides for development up to 18 storeys of development at Block 13.

We note that the proponent has not been in contact or consulted with the Club in the preparation of the section 144 DA amendment (as notified) but sought an opportunity and presented some key amendments to the DA as proposed to the Labor Club Board on 1 November 2017.

The matters discussed in the presentation primarily related to the location and provision of the 300 public carparking spaces as per the Deed of Agreement requirement, and the timeframe for their delivery.

We are in the process of reviewing the matters presented but noting that the DA public response period closes on 10 November 2017, we wish to use this opportunity to respond to the amendment.

1. Section 200 Deed of Agreement

We reiterate the matters canvassed in our previous submissions on this point.

2. Failure to take into account the current and future operational requirements of uses at Section 48 - Club and Hotel/commercial operations

We note that the amended DA includes a proposed change relating to site/parking access and access way use. The proposed amendment sees two new access driveways being proposed from Edmondstone Place (to operate in conjunction with the previously proposed entry to the basement of building B1 and the Cameron Avenue podium entry). These new entrances are proposed in conjunction with a change in the proposed use of the Eastern Valley Way entry such that this entry point only allows for service and heavy vehicle access (no car access will be allowed from this entry point).

These changes will inevitably result in most light vehicles being channelled onto Edmondstone Place. This road is unlikely to be able to accommodate the traffic load proposed. **There is insufficient evidence that the new, altered proposal will result in a satisfactory and safe road condition.** This view is supported by the fact that the re-notified documents do not include updated traffic and parking assessment reports, and there is also no evidence to suggest that the changed arrangements can be accommodated.

We were also informed at the 1 November Board briefing that the intersection of Edmondstone Place and Cameron Ave will be signalised. This is not reflected in the DA amendments. There is also no detailed analysis of the impact such signalling could have on the road network or intersection performance, Club Activities and/or public safety. We are not convinced this is a workable solution - we urge the government to consider this suggestion carefully (if applicable) and ensure that the relevant standards, guidelines and provisions are met should such signalling be permitted to proceed.

The above comments reflect that the development conditions remain unmet in that the amended proposal does not assess the environmental impacts on the adjoining neighbours, In the event of a shortfall in the provision of infrastructure, we submit that the development application should be refused.

With respect to element 5 of the Commercial Zones Development Code, as well as Criteria 21 and Criteria 22, we submit that that the proposed amendment (including new entry ways and shift in access arrangements between cars and heavy vehicles) will result in a detrimental impact to the current club and future hotel operations, will result in an unsafe environment for pedestrians (including club patrons that may use the future public carparking at Section 200,) and will hinder service operations undertaken by the Club on Edmondstone Place.

The lack of updated information published with the resubmitted application reinforces that the amendment is not well considered and fails to meet the relevant Territory Planning controls. The amended proposal does not adequately address the environmental impacts of the development on adjoining developments (as currently approved and/or being operated) nor does it balance the (likely) conflicting impacts that may arise where all adjoining sites are proposed to be developed to the maximum development potential as indicated under the Master Plan.

Operations of the Club and Edmondstone Place

The amended proposal again fails to consider or address the matters relating to current and future Club operations insofar as it is relevant to pedestrian access and traffic movement - especially in the context of Edmondstone Place now required to carry the majority of vehicle movements from the S200 Precinct (in our estimate this would be well in excess of 6000 vehicles per day).

We note that the Section 200 precinct was sold with access opportunities from Edmondstone PL and this was in the context of a circa 750-unit development yield with commercial opportunities. The Deed requires the proponent to consider the impact of any future

proposal on existing uses and operations around the precinct and we contest that this was undertaken in any meaningful way under the initial development application, and confirm that no further analysis has been presented in the resubmitted documents.

The amended designs will significantly increase traffic movements along Edmondstone Place and Cameron Avenue, however there is no analysis to support the proposed intersection arrangements at Edmondstone Place / Cameron Avenue or along Cameron Avenue. Edmondstone Place and Cameron Avenue are expected to carry volumes in excess of three times the nominal environmental capacity under the road hierarchy guidelines for their respective road classifications.

We remain of the view that the proposed design is not a workable solution and should not be approved in its current form.

Pedestrian and vehicular access to the Club

The amended proposal does not provide updated consideration of its impacts on off-site/public carparking arrangements, the Club's servicing requirements, or pedestrian and vehicular safety in Edmondstone Place.

We reiterate that the Club relies on off-site car parking for its patrons and its staff, and Edmondstone Place provides the club with disabled access, servicing and deliveries access and a "front door" address for pick up and set down of patrons.

The approved Club building and site arrangements do not provide for servicing of the Club from within the Block 13 boundary and deliveries are generally conducted from the adjoining street (refer to pictures previously provided). There does not appear to be any attempt to address this matter in the proposed design of Edmondstone Place as presented in the amended DA proposal.

The proponent's recent presentation to the Club's Board noted that a loading dock could be incorporated into the geometry of the proposed Edmondstone Place roadway - we request that this outcome be specifically required to allow the current Club servicing arrangements to continue.

We remain unconvinced that the amended proposal (including changes in access arrangements and vehicle priority/use of entry ways, Staging Sequence Plan and Temporary Traffic Management (TTM) Plan for Stage 1 (included in the DA Documentation)) address these matters adequately - especially given the lack of updated traffic analysis documentation.

We were also advised at the proponent's recent presentation that the temporary carpark as provided for in the Deed will now be located at the south-eastern corner of the site for the duration stages 1 and 2 in the construction.

The TTM Plan does not appear to show this change nor does it provide any details of the relocation or replacement of the existing disabled parking spaces in the car park - such parking spaces are highly utilised by patrons of the Club. It is not clear how this will be implemented during construction.

The northern section of Edmondstone Place still appears to be restricted by fences and construction vehicle access which will make it very difficult for goods, delivery and waste collection vehicles to access and turn in to Edmondstone Place. More significantly, the amended development application does not indicate a pedestrian pathway from the public car park designated to remain operational during Stage 1 of the construction, to the entrance to the Club. It existence of such a pathway is critical, especially to cater to the needs of our patrons with disabilities.

We submit that the Development Application must not be approved until adequate provision is made for the parking, access and safety of people with a disability such that these patrons are able to access the entrance to the Club from the (replacement) public disabled car parking spaces.

Future development potential of the Club

The amended Section 200 development proposal continues to ignore the current and future access and services requirements of the uses developed (and to be developed at Blocks 8, 9 and 13 Section 48 (Club and Hotel use) in any form. No updated documentation relating to a planning assessment, traffic and/or consultation reports has been presented and the documents advertised still do not provide any indication that the Club's current and future activities were considered. The increased vehicular activity proposed on Edmondstone Pl without any supporting traffic analysis underlies this consideration.

We suggest that this is not surprising given that the proponent has not undertaken any consultation in relation to the proposal (except for the recent Board briefing in relation to the location of the 300 public carparks that was conducted post notification of the amended DA). The proponent does not appear to show any real interest in balancing the relevant impact on adjoining Lessees as set out in the Deed requirements. Without these matters being fully considered and satisfactorily resolved the DA must not be approved.

Truck turning geometries in Edmondstone Place

The proposed Edmondstone Place geometry appears to be updated but the amended documentation presented does not appear to demonstrate how the changed road design will allow Club-related service deliveries (including the 19m standard access vehicle) to attend Block 13. No updated turning demonstration documents are presented in the amended DA.

We remain unconvinced that the proposed road geometry can successfully support the current on-street delivery arrangements that the Club undertakes as outlined in our previous submission.

We still feel that the lack of consultation and inadequate understanding of current traffic movements along Edmondstone Place rendered the proponent unable to properly appreciate the operational needs and requirements in relation to vehicular servicing and loading of the Club - this is proven by the lack of further traffic analysis to support the proposed traffic and access arrangements presented in the DA amendment now notified. In this context we must question whether the amended road geometry and proposed traffic and access arrangements present a safe and workable solution in the context of the Section 200 proposal.

The proposed re-designed Edmondstone Pl, change in access arrangements and suggested traffic loading on Edmondstone Pl will not support the Club activities now or in the future. We also continue to have concerns around how the Hotel/Commercial development (as approved) at Block 8/9 Section 48 will operate in the "future" Edmondstone Place context; especially in light of the proposed geometry and traffic use/access changes proposed.

We do not believe the amended road geometry will support the proposed access arrangements to/from S200 and will not allow the required service and access arrangements required by Blocks 8 and 9. This matter should be carefully considered and if not resolved in a satisfactorily manner the DA must be refused.

Traffic and amenity impacts Submission

We reiterate the matters canvassed in our previous submissions on this point and note that no updated traffic impact assessments have been presented in the re-notification of the proposal.

3. Failure to demonstrate a compliant/negotiated development outcome in relation to Edmondstone Place

The purpose of this section is to address specifically traffic. The amended Development Application is not supported by any changed Traffic Impact Assessment or modelling to confirm the future traffic conditions. The initial DA provided for the majority of car traffic to enter and leave the site from Eastern Valley Way and the amended DA has removed this access and the traffic has been diverted to Edmondstone Place (3 access points) and Cameron Avenue (1 access point). We were not satisfied that the traffic conditions along Edmondstone Place and Cameron Avenue would have been at an acceptable Level of Service under the previous arrangements, however under the amended access arrangements (and lack of any supporting analysis) it is expected that the operational conditions will be unacceptable.

The primary reasons for this view is that the increased traffic volumes using Edmondstone Place will make it unsafe for pedestrians, service vehicles and vehicles using this street. The intersection of Edmondstone Place and Cameron Avenue is expected to be highly congested during peak traffic periods and there is insufficient roadway capacity to permit turning vehicles to queue without causing obstruction to through traffic flows. The proponent has indicated verbally that consideration will be given to the installation of traffic signals, however there is no supporting evidence or technical assessment of any off site works that would be required in Cameron Avenue to manage traffic and pedestrian safety.

We reiterate the comments in our previous submissions about the Traffic Impact Assessment documentation which was submitted in support of the initial DA and note that there has been no further information provided in support of the amended DA. The conditions under the changed arrangements proposed in the amended DA will be expected to be significantly worse.

In addition to the comments made in our previous submissions on the GTA traffic report, we note that there is a memorandum (from GTA Consultants dated 23 November 2016 addressed to TCCS) proposing reduced residential trip generation rates (to 0.27 trips per hour per dwelling) for the proposed development on S200. However the response from Lingam Jatheendran dated 1 December 2016 indicated that a rate of 0.5 peak hour trips would be acceptable for use in the AIMSUN modelling. It is noted that the Microsimulation Modelling Report and the Transport Impact Assessment Report adopted lower trip generation rates than those accepted by TCCS.

In relation to the design of Edmondstone place, we emphasise the comment in our previous submissions that the inclusion of on street parallel car parking may cause some delays/hazard for the increased number of vehicles using Edmondstone Place following completion of the development. We strongly recommended that these spaces are replaced with a loading zone along the western side of Edmondstone Place to allow for service vehicles.

We do not consider that the traffic reports included as part of the initial DA identify any need for infrastructure improvements at the intersection of Edmondstone Place / Cameron Avenue, or along Cameron Avenue, to mitigate against any adverse impacts which would be expected to result from the additional traffic expected to be generated by the proposed development on S200. We submit that the amended development application should not be approved until such matters have been addressed in a revised traffic impact assessment report.

4. Car parking and the provision of 300 publicly available replacement parking

The amended DA is designed to only meet the Section 200 proposal exclusively and does not seek to meet the obligations of the Deed as they relate to the requirement to provide 300 car parking spaces before any other building work is undertaken.

We have been advised by the proponent that the amendments mean that at least two options are available to provide the 300 public carparking spaces in different geometries and in different timeframes. Neither of these options addresses the fundamental problem that there will not be 300 car parking spaces provided before any other building work is undertaken.

In addition, the amended plans, assuming stage 2 provides a viable option for the car park or that it augments the deficiency in number of car parks in stage 1, suffer from a lack of detail as to how the car park would operate. Specifically, there are no details of the location of the public parking areas and how these spaces are separated from the residential parking or parking for commercial elements of the development. There is no analysis demonstrating how parking provision has been calculated against the Deed and development requirements (PVAGC) and there is no indication of where the 300 long stay and short stay car parking spaces will be provided adjacent to Edmondstone Place.

The lack of any analysis presented in the amended DA means that it is not possible to understand how the trip generation from the basement and podium car parking spaces will be distributed temporally and directionally. It is therefore not possible to verify traffic volumes to and from the access points and then to the road network in the vicinity of the site. It is expected that the three access points from Edmondstone Place will carry the majority of traffic from the development as the amended drawings indicate that no cars will be able to access the site from Eastern Valley Way.

There is no explanation of the operational management of the basement and podium car parking spaces to confirm the availability of 300 public car spaces as required by the Deed and the additional parking required for the development.

5. Development Impacts associated with the Form of Development proposed on Section 48

It appears that the amended proposal now specifically removes the consideration of supermarket use on the site. This somewhat relieves the concern relating to the inclusion of this use previously mentioned but does not alleviate the concern relating to the amenity impacts associated with commercial type uses at the site (including the Market Hall). These matters should be carefully considered in the amended proposal's assessment.

Supermarket use (including associated service and support infrastructure) and operational noise

The amended proposal now describes the market hall as a convenience shopping offering and not a supermarket. We re-iterate that the Club's contention is not with the use of market hall, but rather with the service requirements for this and other commercial uses, particularly in relation to parking provision. We note that the refrigeration plant (chillers) proposed to be located at grade adjacent to the proposed turning head of Edmondstone Place and at the Club's entry appear to now be removed - we support this change.

With no updated traffic and parking assessments provided in the amended DA we are unable to consider whether any parking for commercial use is proposed to be provided for stage 1. **This is a Deed requirement and we urge the Authority to ensure that the Deed requirements are met in the amended proposal.**

We note that no updated noise assessment is provided in the amended proposal and are unable to confirm how the proposal will adequately mitigate noise impacts between the active Club use and adjoining residential use.

An updated noise assessment that considers all Club activities, its impacts, frequency and any mitigation measures needed to protect residents in the future should be required. This matter requires thorough consideration noting that the Club and its current activities and operations are integral to its business and cannot be limited in any way without a severe detrimental impact on its operation and to the community.

Substation relocation (Edmondstone Place turning head)

We note that the proposed 2x 1MW substation that was to be installed at the Edmondstone Place turning head (off-site from Section 200 and within the Emu Bank road reserve) appears to be relocated to a location within Building 1B. The Club strongly supports this amendment.

We note that this matter was discussed during the 1 November 2017 Board presentation and the Club was informed that previous location of the substation would remain. This does not appear to be the case in the amended documents and we request that the Authority ensure the amended location is adopted (if the proposal is to be supported).

6. Lack of Consultation: Proponent with adjoining Lessees

We note that Section 138AE of the *Planning and Development Act 2007* and Section 20A of the *Planning and Development Regulation 2008* require a proponent of a proposal for development over 5,000sqm GFA to consult with stakeholders and the community prior to the presentation of a Development Application. We also note the recently presented draft consultation guidelines (which are now in force) that set out consultation requirements for proposals such as this.

We reconfirm that the proponent failed to meet the statutory (and now guideline) requirement for pre-DA consultation in relation to the Club. No further consultation information is provided in the amended proposal. No detail is provided in relation to the information that was provided at consultation events, sessions, occasions and media points. No advice around the matters raised, responses to concerns, design consideration of matters raised, and the like are articulated in the amended development application.

We continue to argue that the proponent failed to meet community consultation requirements and the statutory objective of establishing that the proposal (and the amended proposal) be put forward for consideration and input to the public.

There continues to be no consultation with the Club in relation to our concerns previously outlined. The proponent again failed to engage with the Club and/or seek any advice as to how the proposal will impact on the construction of and operation of the Block 8/9 Hotel/Commercial development/operation and the Block 13 Club operation.

The proponent's continued lack of consultation with adjoining businesses means that the Club had no knowledge of what amendments were contemplated, and has not been given any opportunity to voice concerns, work collaboratively on finding solutions to minimise concerns and/or resolve significant matters of concern as previously outlined and stated in these submissions.

As stated in our previous submissions, by virtue of section 212 of the Civil Law (Property) Act the Club may enforce its rights under the sale agreement as though it were a party. The statutory consultation requirements, recent consultation guideline requirements and Deed requirements remain unsatisfied and/or are not adequately addressed. In this context we feel that the Authority may have to refuse the DA on the basis that the likely future impact from the proposed works on the surrounding Lessees, the Club, its operations and the larger community have not been fully considered and resolved/addressed.

Conclusion

We trust that the authority would consider the matters above carefully and take the appropriate action in relation to its assessment of the proposal.

We remain available to engage in discussions with the proponent and/or the authority and other ACT Government agencies as may be required in relation to the matters outlined above. We are available to attend meetings if this is required. If you wish to directly engage with us please feel free to contact my officer to arrange a suitable time.

Yours Sincerely,



per: Pieter van der Walt
Director - Senior Town Planner

Annexures

Annexure A - Our submission dated 21 June 2017 for ease of reference

Annexure A

DA201731563 Canberra Labor Club submission 21 June 2017

- o The impact of the proposed use on the development potential of Section 48 noting that the Club is under developed in the context of the Endorsed Master Plan and that there is an approved DA for a hotel to be constructed on Blocks 8 & 9 of Section 48

- Failure of the proposal to take into account the current Club and Hotel/commercial operations and the future ongoing operational requirements of these uses.
- Failure to appreciate and account for the future development potential of Section 48 (specifically the Block 13 Club site that is wholly reliant on Edmondstone Pl for servicing and vehicular access),
- Failure to demonstrate a compliant/negotiated development outcome in relation to Edmondstone Place and the likely adverse impacts of the proposal on existing development within Section 48 in the context of the form, scale and design of the proposal as presented.

The lack of appreciation and understanding of the direct impacts on adjoining Canberra Labor Club Leases and businesses and their operations flowing from the implementation of the proposed S200 development in relation to the timing of works, duration of impacts and coordination between lessees to minimise and mitigate such impacts.

1. Section 200 Deed of Agreement

Block 2 Section 200 Belconnen was sold to the proponent in mid-2015 under a sales contract with an associated Deed of Agreement (hereinafter referred to as the "Deed").

The sales documents were advertised prior to the sale of the site and included a Draft Deed of Agreement annexed to the Specimen and Holding Lease for the site. The Holding Lease and the Deed of Agreement were executed substantially in the form provided.

Pursuant to Rule 1, Criteria 1 of the *Commercial Zones Development Code*, where the approved lease and development conditions provide requirements in relation to matters such as vehicular access, landscaping and parking, the rule is satisfied if the development meets the intent of the lease and development conditions. It is the Club's contention that rule 1 and Criteria 1 of the *Commercial Zones Development Code* are enlivened.

"Lease conditions" and "development conditions" are separate concepts and any reference to lease and development conditions in the Territory Plan include both "lease conditions" and "development conditions" even if expressed as separate components¹.

A development condition means any condition, subject to the Planning and Development Act 2007, contained in a lease or agreement collateral to a lease². The Special Project Conditions in Annexure A2 of the Deed of Agreement are relevantly "development conditions". The conditions at part A2.4 of Annexure A2 are "conditions relating to consequent leases" and the conditions at Annexure A3 relating to requirements of the Crown Lease are "lease conditions". The Deed of Agreement is an agreement collateral to the Holding Lease³. Thus there are lease and development conditions.

¹ *Lourandos and Yiannokopoulos v ACTPLA* [2011] ACAT 25 at [170]

² See Territory Plan definitions

³ See clause 2(e); *Gutta & ACTPLA* [2013] ACAT 63 at [51]

The Deed provides⁴ that where a Development Plan is at variance with the Specific Planning Requirements other than in respect of quantum of development permitted, then the plan may be approved provided it meets the requirements of the Territory Plan or there is a pre-approved technical variation. There has not been a technical variation. The Specific Planning Requirements are incorporated in the territory plan and are given precedence to the extent they relate to the matters set out in Rule 1 and Criteria 1 of the *Commercial Zones Development Code*. Those matters include relevantly vehicle access, interface, landscaping and parking.

Specifically, the Special Project Conditions relating to vehicle access, interface, landscaping and parking are:

- The preparation of a Development Plan that assesses the environmental impacts of the development on adjoining developments and the overall traffic network (A2.1.2);
- A study addressing the impact of the development on Local Area Traffic (A2.1.6 and A2.1.10);
- The reconstruction of Edmondstone Place including an impact study that takes into account the impact of the proposed development on all roads ((A2.1.10.1 and A2.1.2 (j));
- The delivery of 300 short and long stay publicly available parking spaces adjacent to Edmondstone Place on the western side of the site as replacement parking for the "existing" surface carpark as part of Stage 1 works (A2.1.9), and the provision of a temporary car park prior to any other development being undertaken on the site (clause A2.1.9.1);
- The provision of vehicular and motorcycle parking for proposed use of the site in accordance with the rates set out in the Parking and Vehicular Access General Code under the Territory Plan(A2.1.9); and
- Requirement for consultation with adjoining Lessees in relation to the timing of proposed works (clause A2.1.10.1)

Some of the requirements referred to above set out requirements for a Development Plan. The Development Plan must be approved by the Estate Manager. That approval is a gateway to lodgement of a development application, but approval does not discharge the proponent from the task of demonstrating that the Development Plan is compliant. So much is clear from A2.1.4 . Other requirements referred to above are substantive requirements that must be met regardless of endorsement by the Estate Manager.

It is the Club's contention that some of the Special Project Conditions have not been complied with and accordingly the development application does not satisfy Rule 1, Criteria 1 of the Commercial Zones Development Code especially in relation to the car parking requirements specified in the Deed. We submit that if the Authority is not satisfied that this rule/criterion has been satisfied, the development application should not be approved or not approved in its current form.

There is no avenue for merits review for interested parties. This and the Club's special interest in the development, which we submit is recognised in the sale documentation and the Deed of Agreement development conditions, places a heavier responsibility on the Authority to ensure that the Deed provisions are satisfied and the proposal meets the development outcomes required by the Territory Plan. Where the proposal fails to meet the Deed provisions and required outcomes of the Territory Plan, the application will have to be refused unless the development application can be altered to remedy the deficiencies.

⁴ A2.1.4 Annexure A2 , Special Project Conditions

It is worth noting that the Club is bound by its Crown Lease to operate a club use at the site and is also guaranteed the "quiet enjoyment" of this lease for its duration. Ignoring the environmental impacts on the club operation (including traffic impacts, access for service vehicles in Edmondstone Place, lack of parking provided and noise issues) will render the Club unable to meet its Lease provisions in delivering the club use and impede on its quiet enjoyment of the land now and in the future - this is not acceptable.

2. Failure to take into account the current and future operational requirements of uses at Section 48 - Club and Hotel/commercial operations

The Development Deed requires that:

Assessment of the Development Plan will consider the environmental impacts of the development on adjoining developments and on the overall traffic network. These environmental impacts may include (but will not be limited to) traffic, parking, hydrological, social, visual, noise and air pollution and other issues. Where it is apparent that there is a shortfall in the provision of infrastructure, or the proposal adversely impacts on the traffic network and car-parking outside the development, or where a proposal is of poor design quality, the Territory may refuse the development application⁵.

The Development Plan is different to the development application. However, the intent of the above development condition is tolerably clear: it requires that the proposal will assess the environmental impacts on the adjoining neighbours and in the event of a shortfall in the provision of infrastructure the development application may be refused.

Element 5 of the Commercial Zones Development Code specifies the intent is to ensure the safe and efficient access for vehicles and pedestrians and to ensure adequate parking facilities are provided. C21 requires the "existing road network" accommodate the amount of traffic that is likely to be generated by the development. C22 provides criteria that ensure that development permits the safe and efficient manoeuvring of vehicles and that the proposal does not unreasonably compromise traffic.

It is submitted that a relevant factor to be considered in the assessment of the development application is the detrimental impact the development may have in limiting future development on immediately surrounding sites. The proposal draws on the Belconnen Town Centre Master Plan 2016 as it relates to Section 200 in support of the proposition that intensive development of 27 storeys in height is consistent with the Master Plan. However it is also true that the same parts of the Master Plan are applicable to other sites in the Cameron Avenue Precinct, including the Canberra Labor Club site. To the extent the Master Plan is relied upon to support the proponent's development, there is a corresponding obligation to ensure the proposed development does not have the effect of limiting or prohibiting the opportunities for development on adjoining sites. The information submitted in support of the development application does not do so.

The proposal does not address adequately the environmental impacts of the development on adjoining developments nor does it balance the (likely) conflicting impacts that may arise where all sites are proposed to be developed to the maximum height indicated under the Master Plan. Reasons follow.

The operations of the Club

The Club at Block 13 Section 48 Belconnen is a well established operation whose use and service requirements are well understood. Over the 38 year history of Club use of the premises, the objector has had the quiet enjoyment of the Crown Lease and use of adjoining public infrastructure to support its activities. This arrangement has been in place since the Club's establishment and subsequent approvals have been granted over time.

⁵ A2.1.2, Annexure A2 Special Project Conditions

The proponent has failed to consider or address the following matters in relation to the operation of the Club insofar as it is relevant to pedestrian access and traffic movement.

Pedestrian and vehicular access to the Club

The Club relies on off-site car parking for its patrons and its staff, and Edmondstone Place provides the club with disabled access, servicing and deliveries access and a "front door" address for pick up and set down of patrons. The Club is serviced by a range of vehicles including light delivery vehicles (mini vans), light rigid trucks, standard waste vehicles and larger 19m articulated trucks all of which use Edmondstone Place as there is no vehicular access permitted from the other frontage streets Chandler Street and Cameron Avenue. General waste management and collection is generally undertaken at night; however recycling collection, club deliveries and service vehicles attend the site at all times of the day- often during the morning period on weekdays. These activities occur from the Edmondstone Place roadway and have been undertaken in this way for a long time. The approved Club building and site arrangements do not provide for servicing of the Club from within the Block 13 boundary. We have included a few photos that show some of the typical vehicles that service the Club and the way that deliveries are generally conducted (refer to **Annexure B**). We can also demonstrate how these activities are being conducted by CCTV footage if it is of interest to the Authority.

Access to the Club from the adjoining public carpark is via accessible paths of travel to the porte cochere and Club main entry via an internally located accessibility ramp. This entry is the "front door" and drop-off point for the Club and adjacent to the management and administration functions of the business. Good and free access to the Club for services, patrons, and staff access from Edmondstone Place is critical in the successful operation of our business. Coupled with this, there is a need for well located, convenient and accessible public parking for Club patrons and the proposal does not consider the Club's operational needs in any form.

The Staging Sequence Plan and Temporary Traffic Management (TTM) Plan for Stage 1 (included in the DA Documentation) indicates that the northern section of the car park and Edmondstone Place will be affected by the construction works and vehicular access for construction vehicles. The TTM Plan does not provide any details of the relocation or replacement of the existing disabled parking spaces in the car park - which are highly utilised by members and patrons of the Club. The northern section of Edmondstone Place appears to be restricted by fences and construction vehicle access which will make it very difficult for goods, delivery and waste collection vehicles to access and turn in Edmondstone Place, however, more significantly, there is no pedestrian pathway shown from the available public car parking designated to remain operational during Stage 1 Construction to the entrance to the Club. It is critical for pedestrian safety that this access pathway be accessible for people with a disability and safe at all times of operation of the Club with respect to traffic, lighting, surface quality and sight lines for the duration of construction of Stage 1 works.

The traffic report and TTM Plans do not acknowledge the need for the provision for access and safety for all road users during construction in accordance with the requirements of the Deed. The Development Application must not be approved until there is adequate provision made for the parking, access and safety of people with a disability to be able to access the entrance to the Club from the (replacement) public disabled car parking spaces.

Future development potential of the Club

Block 13 also has latent development potential that would allow development of up to 18 storeys on the site as per the endorsed Master Plan. With its only access currently afforded from Edmondstone Place, it is likely that the current service and access provisions may need to be augmented to support the further development of the site.

The recently approved Hotel and commercial development at Blocks 8 and 9 Section 48 is wholly reliant on good and clear vehicular and service access from Edmondstone Place. Site access will be required for both the construction of the proposal (to commence shortly) and the future operation of the uses. Construction works are to commence imminently and we may need to partly use Edmondstone Place for construction access due to site constraints in relation to the development to be built and noting that there may be the access constraints from Chandler Street and Cameron Avenue given their geometry, traffic volumes and role in the road hierarchy.

The Section 200 development proposal does not consider any of the current and future access and services requirements of the uses developed (and to be developed at Blocks 8, 9 and 13 Section 84 (Club and Hotel use) in any form. Neither the planning assessment documents nor the traffic and consultation reports provide any indication that the Club's activities were considered. This is not surprising given that **NO** consultation in relation to the proposal was undertaken by the proponent with the Club at any time during the preparation of this proposal.

The Labor Club engaged with the proponent on several occasions to discuss the sales and deed requirement for the publicly accessible carpark that is to be offered to the Club for lease/purchase but at no time was the Club provided with any documentation that would have facilitated any understanding of the proposed development, and its associated impacts on our operations.

We were not given an opportunity to discuss the notional impacts on our operations.

None of the expert analysis and reports prepared for this development was ever provided to the Club for consideration: the first opportunity afforded is through the DA public notification. In contrast, we offer that the Club liaised at length with the proponent over a number of sessions and repeatedly re-engaged at their request in the formulation of the Block 8/9 Hotel/Commercial proposal. It is curious that the proposal seems to generally ignore the Hotel/Commercial proposal in the context of the consultation we undertook with our development proposal.

Truck turning geometries in Edmondstone Place

The proposed Edmondstone Place geometry does not appear to allow for Club related service deliveries (including the 19m standard access vehicle) to attend our site. It does not cater for the current on-street delivery arrangements that the Club undertakes (as a result of the historical building approval and club operations) noting that this commonly impacts on traffic movements along the street and may take in excess of 30 minutes per delivery to complete. Regular deliveries include food, drinks (all types), gaming related deliveries to name a few and deliveries are undertaken from trucks with rear loading and side loading configurations. Waste is collected by 12.5m front loading waste truck and recycling from multiple truck configurations (but from MGB's) and is collected daily.

A formal on-road loading zone is required to support our loading activities in a redesigned Edmondstone Place. We note that this requirement was discussed with the LDA and EPSDD Deed Manager in early 2016 and we were assured that any future proposal would be required to take this into account - this does not appear to be the case as no evidence of any consideration of the Club's operational requirements are included in the DA documents. The lack of consultation and inadequate understanding of current traffic movements along Edmondstone Place rendered the proponent unable to properly appreciate our operational needs and requirements in relation to vehicular servicing and loading - and in turn renders the proposal presented deficient.

The turning head proposed at the end of Edmondstone Place is shown to only accommodate a B99 light vehicle. No other vehicles (including a 12.5m truck and 19m articulated standard access vehicle) can operate around the proposed turning head travelling in a forward direction on this public roadway leading to the public carpark. We question whether this is a safe and workable solution in the context of the Section 200 proposal that connect all parking to this exit for manoeuvres requiring travel to the south (city direction) and across the at-grade private road.

The proposal suggests that the 12.5m truck will use the southern part of the turning head to perform a 3-point turn and leave Edmondstone Place in a forward motion. This is not a viable option given that Club deliveries will coincide with the morning peak hour time at which commuters would be leaving the Stage 1 carpark via Edmondstone Place. Further, the private on-site one-way street locality that terminates at the truck turning locality is also a cause for concern because this street is at the Club's primary entrance and will have a significant adverse impact on patron/pedestrian safety and access across Edmondstone Place in this area. As suggested in the proposal, the Club is likely to be an important activity driver and be used by residents and visitors within the Section 200 precinct in the future.

The proposed geometry and suggested operation of the private "at-grade" road within Section 200 and the re-designed Edmondstone Pl will not support the Club activities now and in the future. A better understanding of the Club's activities and needs from the proponent would allow the augmentation of the works proposed and meet the Deed/DA requirement to provide a safe and workable solution. Further consultation would support this and we are more than willing to engage with the proponent and make our information available as may be needed.

Similarly, we have concerns around how the Hotel/Commercial development (as approved) at Block 8/9 Section 48 will operate in the "future" Edmondstone Place context. We have not been provided with any opportunity to scrutinise and comment on the proposal until now and it appears that the proposed road geometry will not support the access arrangements required to service Blocks 8 and 9 with the required 12.5m waste and delivery vehicles as was demonstrated by swept path diagrams in our development proposal (now approved). The proposed geometry (with parallel carparking along the eastern side of the new road) appears to result in a narrower roadway post construction and will not provide adequate pavement for vehicles to enter the Block 8/9 access driveway and entry/loading dock space. We also have some concern around how the access arrangements will function in a narrow street given the high traffic volumes being suggested in the Traffic Impact Assessment. This matter should be carefully considered and rectified as part of the assessment of the DA.

At the recent special Belconnen Community Council Meeting to discuss this development and in response to a question raised relating to delivery trucks serving the Club the proponent answered that Edmondstone Place will be widened. In our review, this is not the case as suggested above and we suggest that a wider Edmondstone roadway may provide space to cater for additional vehicle movement, on street loading zones and the like. We have a concern that the geometry proposed will not service the use profile and demands that will be placed on this roadway by all adjoining developments and users in the future.

Traffic and amenity impacts Submission

The Section 200 proposal does not meet the provisions of the Deed of Agreement relating to the consideration of environmental and traffic impacts, consultation with neighbours and/or Edmondstone Place design requirements. In turn it thus also appears not to meet the provisions of the Territory Plan in the Commercial Zones Development Code requiring consideration of the Development Conditions applicable to the site (Rule/Criteria 1), impacts from Traffic Generation (Criteria 21 and 22), and provision of facilities for loading (including truck movements), all of which unreasonably compromise the traffic movement on any adjoining roadway.

We also suggest that the proposal in relation to the matter set out above does not meet the Zone objective that seeks to Ensure a high quality urban environment through use of sustainable design and materials and maintain a high level of amenity for employees and the public.

3. Failure to demonstrate a compliant/negotiated development outcome in relation to Edmondstone Place

The purpose of this section is to address specifically traffic. Notwithstanding the lack of consultation undertaken by the proponent and the short period afforded to the Club to consider the DA documents and inspect the assessments published, we were able to undertake a limited assessment of the matters provided and make the following submissions:

Traffic impacts

The GTA traffic report appears to be based on a number of assumptions and parameters that are not usually accepted in ACT and the arguments presented in support of such trip generation rates do not appear to be robust or justified in the traffic report. Examples of this are:

- A. Section 5.2 Site Traffic Generation sets out a comparison with RMSNSW trip generation rates, summary of survey information of trip generation and adoption of trip generation rate of 0.45 trips per hour per dwelling during peak periods. Although the use of such a rate may be appropriate, there is neither significant justification nor evidence of agreement from ACT Government agencies for the adoption of the rates. It is noted that this table is not consistent with the equivalent Table 4.1 in the Microsimulation Assessment report.
- B. Table 5.3 presents an estimate of traffic generation for the proposed development based on a range of sources and references including informal traffic surveys, ITE, reduction factors, RMSNSW and first principles assessment of likely parking demand and associated car park turnover. The estimated traffic generation is not consistent with typical vehicle movements which result from similar developments of this scale in Canberra.

The ACT Road Hierarchy is published by JACS and the current drawing indicates the following road classifications (with indicative capacity) under the road hierarchy for the adjoining road network:

Street	Classification	Capacity
Eastern Valley Way	Arterial Road	
Aikman Drive	Arterial Road	
College Street	Major Collector Street	6000 vpd
Cameron Avenue	Minor Collector Street	3000 vpd
Emu Bank	Minor Collector Street	3000 vpd
Chandler Street	Minor Collector Street	3000 vpd
Edmondstone Place	Access Street	2000 vpd

The traffic report (Clause 4.2) suggests that Eastern Valley Way is considered to function as a major collector street (rather than as an arterial road) and that Cameron Avenue is considered to function as a minor collector street, however there is no mention of the classification and role of Edmondstone Place (which is an access street). The traffic report indicates that the capacity of Eastern Valley Way is 36,000 vpd, Emu Bank is 18,000 vpd and Cameron Avenue is 18,000 vpd which is well in excess of the indicative capacity of streets in these classifications adopted in the traffic report. In Appendix A1.1 Edmondstone Place is acknowledged to be classified as an access street which currently carries approximately 700 vpd. However, there is no mention of the Labor Club also having frontage to Edmondstone Place or the proposed Hotel to be built on the Labor Club site with access to Edmondstone Place. There is no consideration or assessment of the future development potential of Block 13 (Club site) noting that its under-developed in the context of the endorsed Master Plan and likely to be redeveloped in the medium term for mixed use development purposes which are currently permitted under the Crown :Lease and the Territory Plan.

- The traffic distribution assumptions appear to be based on an unusual travel pattern (such as 50% to the east via Aikman Drive towards Ginninderra Drive compared with 20% to the south via Eastern Valley Way towards Belconnen Way and William Hovell Drive) and identification of streets such as Chandler Street for travel to the north and Cameron Avenue for travel to the west. The traffic distribution assumed in the traffic report does not address the proposed left in - left out intersection arrangement at the proposed access driveway to Eastern Valley Way entrance or to any consequential impacts on traffic operations at the intersection with Emu Bank as a result of U-turning vehicles.
- An additional consequence of the restriction of vehicles exiting the basement car park to Eastern Valley Way to be forced to make a left turn towards Emu Bank will be that a significant number of these vehicles are expected to exit the basement car park via Edmondstone Place. The reasons for this will be that this will be more suitable for vehicles travelling to destinations located to the south and east of Belconnen Town Centre (such as City, Russell, Woden, etc) as they will be able to travel along Cameron Avenue to Eastern Valley Way where they can make a right turn towards Belconnen Way and William Hovell Drive / Parkes Way. Many vehicles travelling to such destinations are likely to be reluctant to travel to the east along Aikman Drive and Ginninderra Drive due to the peak period congestion along Mouat Street and Northbourne Avenue.
- The expected traffic impact of additional numbers of vehicles using Edmondstone Place during commuter peak periods (assume 50% of vehicle trips from the development plus public car park access will be more than 400 vehicles per hour) will be that traffic operations and safety along Edmondstone Place will be severely compromised and the level of service at the intersection with Cameron Avenue will fall significantly. The traffic report does not appear to contemplate such trip distribution nor make any assessment of the impacts of such a likely outcome on the road network and intersection performance and safety. The traffic report does not include any assessment of the future traffic volumes that are likely to use Edmondstone Place (current volumes used in the analysis appear to be ZERO vehicles per hour using Edmondstone Place) nor does it make any comment on the impact of such additional traffic volumes on this access street.
- The traffic distribution (748 vph in AM peak and 838 vph in PM peak) between the access points to the site appears to be based only on the Section 200 'Hotel' and 'other land uses' without any specific reference to 300 car parking for public use nor 1,321 resident car spaces proposed. The Edmondstone Place PM peak splits are indicated as 100% hotel (53 vph) and 33% other uses (695 vph) which results in $53 + 232 = 285$ vph additional traffic in the street. The additional traffic volumes reported in Table 5.3 do not reconcile with this 'assumed' split and additional generated traffic.

The traffic report includes Table A.2 Existing Operating Conditions with a note that full results are presented in Appendix B of the report (i.e. Microsimulation Modelling Report) however there is no Level of Service output information presented in any of the traffic reports in the DA documentation for the post development impacts. Table A.3 in the traffic report indicates that operation of the key intersections within the study area have been assessed using SIDRA INTERSECTION computer program, however there are no outputs from the SIDRA analysis presented in the traffic assessments by GTA Consultants.

It appears that Edmondstone Place has not been designed to consider or meet the operating requirements of the existing traffic associated with the Labor Club and Block 8/9 Hotel use (following closure of the carpark) in particular for service and delivery vehicles. The current club service vehicles include heavy rigid 12.5 metre and articulated 19 metre vehicles and the proposed turning head arrangements will not accommodate these vehicles to travel in a forward direction.

The traffic report suggests that future traffic volumes are expected to increase by 285 vph during the AM peak and by 315 during the PM peak - noting that as an access street the indicative upper limit is the order of 2000 vpd. Edmondstone Place will be expected to carry volumes well in excess of the indicative capacity following completion of the development. This will render the proposed 12.5m truck turning manoeuvre unlikely to be able to be safely performed under the arrangements presented in the DA documentation.

The traffic report and microsimulation modelling reports do not include any output information to indicate the Level of Service at the intersection of Edmondstone Place and Cameron Avenue following completion of the development. This intersection is currently observed to have significant delay during peak periods due primarily to the high volumes of traffic travelling along Cameron Avenue to/from Eastern Valley Way. Observations indicate that queued vehicles approaching the Chandler Street roundabout during peak periods frequently extend well beyond the intersection with Edmondstone Place. The traffic report and microsimulation reports do not mention the proposed Hotel development on Blocks 8 & 9 Section 48 which lies adjacent to this intersection with access to/from Edmondstone Place.

The design of Edmondstone Place does not show sufficient width for the vehicle movements associated with the Labor Club servicing and deliveries (as has been operating for the past 38 years and continuing). The inclusion of on street parallel car parking may cause some delays/hazard for the increased number of vehicles using Edmondstone Place following completion of the development.

The Section 200 proposal does not meet the provisions of the Deed of Agreement relating to the consideration of environmental and traffic impacts, consultation with neighbours and/or Edmondstone Place design requirements; nor does it meet the Territory Plan code requirements and zone objectives as previously outlined. It also does not take into account the future development outcomes that will be realised at Block 13 Section 48 (noting the Master Plan opportunities for development up to 18 storeys) as well as other development sites in the vicinity of the site that will contribute to the future traffic movements on the adjoining street networks.

4. Car parking and the provision of 300 publicly available replacement parking

Section 2.2 of the Deed of Agreement requires that the development provide 300 publicly accessible parking spaces to replace the 362 space existing car park on the site. This is to be provided as a replacement of the existing parking on the site, include short and long-stay parking opportunities, and it is to be located along the western part of Section 200 (along Edmondstone Place). Section A2.1.9 of the Deed of Agreement further requires that car parking for the proposed development be provided in accordance with the Parking and Vehicular Access General Code (PVAGC).

Inadequate parking provision

As the site is located in CZ2 within Belconnen Town Centre, the Parking and Vehicular Access General Code (PVAGC) sets out a "no minimum requirement" for residential land uses for the development. This includes resident parking spaces (estimated in the report to have an empirical demand of 1,321 spaces) and resident visitor car parking demand (normally 1 space for every 4 dwellings = 314 spaces but estimated to be 1 space for every 7 dwellings = 178 spaces in this context by the proponent's consultant). Any parking provided for residential use (including associated visitor spaces) is not to be considered as part of this assessment as this is a commercial decision by the proponent to provide a certain amount and this parking will not be available for non-residential users. However in acknowledgement of the provision of car parking for residential dwellings, it is considered to be appropriate that full account be taken of the traffic generation that will be expected to result from these car spaces to meet resident travel demands.

Section 6.4 in the GTA traffic report sets out a summary of the "Adequacy of Parking Supply" and Table 6.4 presents a summary of Car Parking Demands and Supply progressively for the staged development. In this discussion, there is no specific acknowledgement of the requirement to provide 300 publicly accessible car parking spaces as required under the Deed of Agreement to cater for offsite demand (83% of the currently provided 362 parking spaces).

The standard parking provision rates for the residential components of the development in all areas other than CZ1 and CZ2 in City Centre and Town Centres for the proposed development would be of the order of 1,521 spaces for residents and 314 spaces for resident visitors = 1,835 spaces (noting that there is no minimum requirement for resident parking).

The commercial land uses have been estimated in the traffic report to have a parking requirement of 209 spaces and the total cumulative parking "demand" calculated by using the PVAGC parking provision rates would be of the order of $1,835 + 209 = 2,044$ car parking spaces (without consideration of the 300 public spaces required under the Deed of Agreement).

This calculation would indicate that the overall parking provision proposed in the development (Table 6.4 indicates 1,959 spaces) appears to be of the order of 400 spaces less than the apparent parking demand. Section 6.4 indicates that the on-site parking supply will be in excess of the apparent empirical parking demand - this is incorrect. It is further suggested that the times of peak parking demand of the supermarket and resident visitors (weekday evenings and weekends) will coincide with the peak parking demand of the club and that during these times there will be insufficient parking available in the 300 public parking spaces required to be provided under the Deed.

There are not 300 public car parking spaces

An examination of the plans indicates that there are insufficient publicly available car parks. The numbers of car parks available for public, residential and visitor use are summarised as follows:

Location on Plans	Public	Residential	Visitor
Lower Ground	86	0	0
Basement 1	152	0	10
Basement 2	0	116	60
Basement 3	0	179	0

It follows that there are either less than 300 publicly available car parks or there are sufficient car park numbers provided the car parks designated "visitor" double up as public car parking spaces.

If it is the latter there must be access to basement 2 for both public and private car parking. Basement 3 could in theory be segregated. The undifferentiated nature of allocation between residents/tenants/employees/customers within the development poses significant if not insuperable problems in relation to the operation of the carpark as a commercial enterprise. The security arrangements for allocated car spaces (for residents, tenants, their visitors etc.) in the development may be extremely difficult to manage separately from the public parking access areas and notional commercial parking areas) - particularly considering the likelihood that public vehicles may be able to tailgate behind residents who are entering the secure tenant parking areas.

It is submitted that for the above reasons the "visitor" car parks should not be included in the calculation of publicly available car parking spaces. On that basis the plans fail to meet the requirements of the Special Conditions.

Not Adjacent on the Western side of the site

The development deed requires that the car park be located adjacent to Edmondstone Place on the western side of the site⁶.

"Adjacent" in its ordinary meaning means lying near, close or contiguous with (Macquarie Concise Dictionary). Adjacent is defined in the Territory Plan to mean means either being contiguous with the subject location; or, if separated only by a road, where the front boundary faces the section of the road which separates it from the subject location.

Edmondstone Place does not extend for the entire western boundary of the site. In making an assessment of whether the location of the car park is adjacent to Edmondstone Place, that portion of the car park that is north of the northernmost point of Edmondstone Place is irrelevant.

The length of car park boundary shared with Edmondstone place is approximately 20% of the total length of the boundary shared between Edmondstone Place and the site. That is not in any meaningful sense adjacent to Edmondstone Place.

No part of the car park (other than the entrance way) is adjacent to Edmondstone Place at ground level. At basement levels only limited rows of car parking or car parking spaces can be said to be adjacent with Edmondstone Place:

Lower ground:	approximately 34 spaces
Basement 1:	3 rows
Basement 2:	nil, the "adjacent" spaces are all residential
Basement 3:	nil, the "adjacent" spaces are all residential

While a portion of the car park can be described as located at the western side of the site the location of the car park is correctly described as being at the northern side of the site. The requirement is not that the car park be partially on the Western side of the site, the requirement is that "300 publicly available parking spaces must be developed on site adjacent to Edmondstone Place on the western side of the site. Accepting that not all 300 hundred car parking spaces can be contiguous with Edmondstone Place, it is suggested the intent is and it is perfectly achievable to locate 300 car park spaces on the western side of the site. Demonstrably this has not been done.

⁶ A2.1.9, Annexure A2 Special Project Conditions

Annexed hereto and at Annexure A is a copy of the proposed location of the car park submitted by the developer pursuant to an option offer required to be made to the Club under the sale documents. It is suggested that this document, although not in the Club's view "adjacent" to Edmondstone Place, at least may be taken as recognition on the part of the proponent of the correct concept of being located at the western side of the site.

The critical shortfall in the assessment of parking is the complete absence of a parking management plan detailing allocation and management of parking spaces including the operation of the 300 publicly accessible car park (to be allocated as 180 short stay and 120 long stay spaces) although the need for such a plan is acknowledged. The fundamental problem relates to the following:

- 1 There is no indication where the 300 car spaces to be quarantined as public car spaces (as replacement spaces under the Deed of Agreement) will be delivered. These car parks must not be used by residents/tenants/employees/customers within the development and these spaces may be difficult to manage and operate as a commercial car park.
- 2 There appear to be no provision for commercial carparking required to satisfy the parking demands which are expected to be generated from the Stage 1 commercial uses proposed in the development). This is contrary to the Deed requirements.
- 3 It appears that less than 300 publicly available parking spaces will be delivered in Stage 1 - only 277 spaces are allocated in Stage 1 (this is contrary to the Deed requirements).
- 4 The security arrangements for allocated car spaces (for residents, tenants, their visitors etc) in the development may be extremely difficult to manage separately from the public parking access areas and notional commercial parking areas) - particularly considering the likelihood that public vehicles may be able to tailgate behind residents who are entering the secure tenant parking areas. This requirement would be difficult to implement in the current design and may require a substantial redesign of the carpark that may reduce the parking provided - which is already deficient in number.
- 5 The proposed parking provided in Stage 1 for non-residential use (excluding all parking associated to residential) amounts to around 55% of the current parking number (362 parking spaces) and this is well under the Deed requirement and what is reasonably expected to be needed for Stage 1. There may be more parking provided in other stages but there is no certainty that this will be delivered as it is not subject to this DA and even if approved in a further DA may never be delivered to the provision suggested.
- 6 The club's peak operational time is around the evening dinner service (circa 5pm onwards) which is the same peak time for commuters visiting supermarkets and such uses before returning home. The suggestion that the public carparking requirement at this time would be low is incorrect. The undersupply of commercial parking will impact on the opportunity for Club members to access the 300 space public carpark and in turn negatively impact on the Club operations. Note that the Club historically was approved with full reliance on off-site parking for operational (staff) and patron needs.
- 7 The assessment of queuing at car park control points presented in Section 6.5 of the traffic report has not been calculated in accordance with the requirements of AS2890.1 and the details of the basis of the estimation of demand and control point capacity is not clear. The suggested 95th percentile queue lengths at control points are less than those calculated by using the methodology set out in AS2890.1.
- 8 The apparent number of trips generated during peak periods from the residential car parks as set out in the GTA report Table 6.5 is of the order of 0.3 vehicle

movements (309 vph in AM peak and 348 vph in PM peak) per hour rather than the higher rates (0.6 typical) usually required by TCCS and EPSD. The direction of travel is not considered to be typical of normal peak period direction of travel.

In short in the context of the proposal for Stage 1 and the Deed provisions the proposed parking requirements must include:

- 300 publicly available parking spaces on the western side of the site along Edmondstone Place in Stage 1,
- This carpark must include 180 short stay and 120 all day/multi stay parking spaces,
- Stage one only provides 277 non-residential parking spaces that is less than the 300 spaces required and offer no parking provision for commercial uses (the GTA report suggest 71 spaces is required - our calculation suggest 79 spaces may be required to meet the code),
- The publicly available and commercial parking must be physically separated from commercial use - this seems to not be easily achievable in the current design.
- Additional car parking to meet the requirements of the commercial elements of the development and with acknowledgement of the additional parking demand of the development such as resident visitor parking demand.

The DA documents do not offer any explanation or justification for the departure of the Deed requirements, Territory Plan provisions and Australian Standards for carpark/building design.

The community was informed at the special Belconnen Community Council meeting on 13 June 2017 that the parking provisions in Stage 1 were being reviewed and will be increased to 318 spaces. The meeting was also advised that the public carpark is provided over two levels (which does not appear to be the case in the documents provided with the DA).

No detail of these changes was available and/or presented at the meeting other than a number shown over the Stage 1 area. No discussion about how this will be implement/achieved were provided and/or entered into by the proponent. The proponent made a commitment to circulate this information for review to interested members of the community (which we have indicated we are) but to date no further detail on this change have been provided.

The proponent was also asked at the meeting to describe the location of the publicly available carpark and clearly indicate that this was proposed along the northern boundary of the site along the Emu Bank boundary frontage - not along the western side of the site along Edmondstone Place as required by the Deed of Agreement.

5. Development Impacts associated with the Form of Development proposed on Section 48

This section raises matter germane to the proposed uses and whether those uses are within uses permitted by the Territory Plan;

Supermarket use (including associated service and support infrastructure) and operational noise

The proposal describes the market hall as a convenience shopping offering and not a supermarket. The DA documents and some reports provided at numerous places label the space and support functions of the "market hall" as "supermarket" use.

The proponent should be required to prepare a supermarket impact analysis to justify such a change unless the decision limits this without further assessment - the provided study does not include this consideration.

The Club's contention is not per-se with the use of market hall or supermarket, but rather with the service requirements for these in relation to parking provision (no parking for commercial use appears to be provided for stage 1) and refrigeration plant (chillers) proposed to be located at grade adjacent to the proposed turning head of Edmondstone Place and at the Club's entry (see Drawing DA605). The refrigeration plant for supermarket type uses are commonly open to sky to support the chilling equipment operations and can be noisy in nature.

An assessment must be made of the noise and amenity impact in respect of the refrigeration plant on the adjoining public realm, (noting this is on what will become a major pedestrian connection to Emu Bank), the residential uses at higher levels of the Stage 1A building and the adjoining Club offices and function rooms and the open-air terrace along Edmondstone Place. We question whether the plant located at this location will be able to be designed and implemented to operate within the required noise limits at the compliance point (Section 200 boundary) immediately adjacent to the plant enclosure (open to sky) and not adversely impact on the private open space areas, living areas of residential units above and the Club and its operations.

The noise assessment provided glosses over this requirement without acknowledging that it may well not be possible to achieve the 60dB(a) daytime and 50dBA night time noise limit at the compliance point and lower levels for residential units. Failing to adequately mitigate noise from the plant is likely to adversely impact on the Club and its operations, the residents of the proposed development and the users of the public walkway to Emu Bank.

The Club objects to any impact from the plant in the proposed location that may adversely impact on Club operation from our approved and constructed premises (i.e. Blocks 8, 9 & 13 of Section 48).

We also note that the Club operation include deliveries at all hours (including night time) and units located in close proximity to the Club will be impacted upon by these activities. The noise report fails to acknowledge this condition, its impact, frequency and any mitigation measures that may be required to protect residents in the future. This matter requires further consideration noting that the Club is wholly reliant on this condition in the operation of its business and cannot limit the delivery times to day time hours.

Substation relocation (Edmondstone Place turning head)

The proposed 2x 1MW substation that is to be installed at the Edmondstone Place turning head (off-site from Section 200 and within the Emu Bank road reserve) requires careful assessment is of concern to the Club.

This infrastructure will provide for all practical purposes all its power to the Section 200 development with a very minor amount of electrical load be provided to the Belconnen Skate Park lighting and Altitude development emergency lighting services.

The standard planning consideration in cases such as this is that substations that serve a communal area may be considered for location in the public realm. In this context where the off-site requirements amount to well less than 1% of the substation capacity and use, it seems fanciful to suggest that public land should be used for this facility. It is noteworthy that this requirement was applied to the Club the Block 8/9 Section 48 Hotel proposal. As an alternative it would be appropriate to retain the existing substation adjacent to the pumping station (no off-site impacts) and provide for the Stage 1 development electricity load from within the site - as is the generally accepted practice.

The location of this infrastructure at the Club's front door and at a pinch-point along what will become a major pedestrian connection to the Emu Bank leisure precinct (as per the Master Plan) and the Club's front door is not acceptable for the following reasons.

The Club is an all day/late night activity and there is a reasonable expectation that the Emu Bank leisure precinct will operate at similar times to the Club. The positioning of this infrastructure is likely to create amenity and crime prevention though environmental design problems (lack of clear sightlines and concealment opportunities) at the stairs and the proposed accessible path locality between the Club and Stage 1A buildings - this is a safety in design concern.

The likely desire line to the lake will pass through this space and the siting of a bunker like structure at this point is unacceptable.

We note that the CPTED assessment seems to be more concerned with the substation target hardening principles, and the report offers little consideration to the design and locality of the proposed substation, the likely demographic affected by this infrastructure, the micro location impacts created from the placement of buildings and access ways and how this affect surveillance, high ground advantage, sightlines, concealment and ambush factors. The position of the substation at this location seems poorly considered and likely to create a substantial risk to pedestrian movement (including club patrons) in this space.

The proposed location diminishes preferred uses. The advice provided to the Club was that the land was being retained for public purposes. The Club recently presented an interest in purchasing some land within the Emu Bank road reserve, and were advised that this is not able to be considered as this land is to be reserved for future public transport (light rail) infrastructure.

The proponent is proposing the substation in this location while the Club was advised that development of this land for non-transport functions would not be possible. Unless there is a reversal of policy, a substation in this location will adversely impact on the ability to cater for public transport uses within the Emu Bank road reserve (in the same way that Club related uses would). Again, the location of the substation within the Section 200 boundary would remove all of the concerns listed above and reserve the road reserve for future public transport use. We seek ESPDD's consideration to require the proponent to relocate the substation to an on-site or more suitable location.

5. Lack of Consultation: Proponent with adjoining Lessees

Section 138AE of the *Planning and Development Act 2007* and Section 20A of the *Planning and Development Regulation 2008* require a proponent of a proposal for development over 5,000sqm GFA to consult with stakeholders and the community prior to the presentation of a Development Application.

Section 138AE(4) requires that the development application for a prescribed development must be accompanied by a written notice of the community consultation carried out. The level of information required is not stated. Section 139AE(3) requires that where a development application for a prescribed development is not the same as that the proposal consulted on the proponent must carry out further consultation in relation to the revised proposal. At a minimum it must be the case that the proponent can demonstrate in a notice of community consultation that the proposal the subject of the development application is substantially that which was the subject of community consultation.

The proponent's summary suggests that activities undertaken include:

- A pop-up information display to the general public in July 2016 (information not consultation);
- Targeted meetings with neighbours;
- Two (2) community Council meetings dating back almost 12 months prior to the DA submission; and
- Social media and internet campaign (generally information provision, with opportunity to comment)

There is no detail in relation to the information that was provided at these events, sessions, occasions and media points. No advice around the matters raised, response to concerns, design consideration of matters raised and the like are articulated in the development application.

The validity of a decision on a development application is not affected by a deficiency or irregularity in the community consultation process (s 138AE(5)). It does not follow that the authority ought to or must ignore a deficiency or irregularity. This is particularly the case where the development is 210,000sqm of GFA (42 times the scale of development that triggers the consultation requirement) and in a development where the proponent seeks to increase the overall yield across the precinct by almost 100% when compared to the specimen Lease included in the sale of the site.

It is submitted that if the proponent fails to meet its disclosure requirements it ought to be required to re-engage in community consultation so that the community can properly understand the scope of the development or at least the proponent should be required to meet the statutory objective of establishing that the proposal it puts forward is that which was disclosed to the public.

There has been no consultation with the Club to understand our operational requirements, needs, activities, our patron's activities and use patterns established over the 38 years of Club operation. The proponent has not sought any advice as to how the proposal (as presented in June/July 2016 and now submitted at **Annexure A**) will impact on the construction of and operation of the Block 8/9 Hotel/Commercial operation and the Block 13 Club operation.

The engineering demolition plan (Sellick Consultants drawing C1040) show effective works to the face of the current club (Block 13) and current Block 9 building (including land Leased to the Club). There is no indication when this work will occur, what work will actually occur, how long this land will be occupied/impacted upon and how it will be timed to limit adverse impacts on the Club operations.

None of this was the subject of consultation.

The lack of consultation with adjoining businesses means that the Club has no knowledge that this work was to occur at its front door and within its lease boundary, the extend and timing there off until the DA was notified publicly by the Authority - and still the details on these matters are poorly detailed.

The statutory consultation requirements (as well as Deed requirements) were not adequately addressed and we ask that the assessment of the DA be put on hold to provide the proponent with the opportunity to engage with the Club and other neighbours in meaningful consultation. Such Consultation will include a discussion of both future impacts from the proposed development as well as the extent and timing of such works. Without such consultation, it is unlikely that a good and balanced outcome that manages the impacts on the Club and its operations would be forthcoming.

Conclusion

We trust that the authority would consider the matters above carefully and take the appropriate action in relation to its assessment of the proposal. We remain available to engage in discussions with the proponent and/or the authority and other ACT Government agencies as may be required in relation to the matters outlined above. We are available to attend meetings if this is required and if you wish to directly engage with us please feel free to contact my officer to arrange a suitable time.

Yours Sincerely,



per: Pieter van der Walt

Director - Senior Town Planner

Annexures

Annexure A - Consultation Concept Plans presented by DA proponent to Canberra Labor Club

Annexure B - Photographs of Edmondstone Place showing vehicular access arrangements to the Club site



NOTE:
THIS IS A CONCEPT PLAN ONLY
SUBJECT TO FURTHER DETAILED
DESIGN AND APPROVALS

EMU BANK



**NOTE:
THIS IS A CONCEPT PLAN ONLY
SUBJECT TO FURTHER DETAILED
DESIGN AND APPROVALS**

EMU BANK

EASTERN VALLEY WAY



**NOTE:
THIS IS A CONCEPT PLAN ONLY
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DESIGN AND APPROVALS**

EMU BANK

EASTERN VALLEY WAY



Section 200 Belconnen

EDMINSTON PLACE



**NOTE:
THIS IS A CONCEPT PLAN ONLY
SUBJECT TO FURTHER DETAILED
DESIGN AND APPROVALS**

Annexure B

Edmondstone Place entrance to Canberra Labor Club site









From: [Taylor, Bob](#)
To: [Pieter Van Der Walt](#)
Cc: [Cilliers, George](#); [Phillips, Brett](#); [Nichelle Jackson](#)
Subject: RE: DA201731563 - Request for advice in relation to works being conducted in relation to DA approval... [SEC=UNCLASSIFIED]
Date: Friday, 3 August 2018 12:01:00 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[NOTICE OF DECISION-201731563-S197F-SIGNED.PDF](#)
[PLAN-201731563-S197F-SUBSTATION-01.pdf](#)

Dear Pieter

Thank you for your email and attached information raising the Labor Club concerns with works being undertaken by the Lessee (Developer) of Belconnen Section 200 Block 2.

As mentioned in your email, the initial DA proposed a substation in this location. In response to objections received through public notification, the Authority requested the substation to be moved and housed within the development. At this time there was not advice from referral entities to suggest the substation would be required to supply more than the development.

Subsequent to advice in responses to the Developers detail design submissions to referral entities, Evoenergy has identified substations required to supply existing and future demands in the network other than for this development.

As a result of the advice, a s197F amendment submission was lodged and approved on 19 July 2018. A copy of the approved plans and Notice of Decision are attached to explain the rationale for not to publicly notify.

I trust the above advice and attached information is sufficient to address your clients concerns.

Regards

Bob Taylor | Manager | Deed Management
Phone 02 6207 1669 | Fax 02 6207 1856
Planning Delivery Division | Environment and Planning Directorate | **ACT Government**
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

From: Pieter Van Der Walt [<mailto:Pieter@CanberraTownPlanning.com.au>]
Sent: Monday, 30 July 2018 8:13 PM
To: Phillips, Brett <Brett.Phillips@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>
Cc: Nichelle Jackson <Nichelle@CanberraTownPlanning.com.au>
Subject: DA201731563 - Request for advice in relation to works being conducted in relation to DA approval...

Dear Brett, George,

We are writing on behalf of our client and Lessee adjacent to Block 2 Section 200 Belconnen seeking advice in relation to works being undertaken adjacent to our land at Block 13 Section 48 Belconnen.

We received a request from the Labor Club as to the purpose of the large hole that is being

excavated to the north of the Club building and adjacent to Emu Bank can be seen in the attached images. It is not clear from the DA documents that were notified for the DA Amendment regarding the need for this excavation.

We have reviewed the DA documents (and amendment set as was publicly notified) and specifically considered the Site Plan that was included in the S144 DA amendment for DA201731563 – see attached. We note that the substation structure initially proposed in this location was proposed to have been removed and relocated into the building 1B (See note 12 in attached plan as was notified). From the attached it appears that the only structure in this place would be a stairway – is this correct?

We note in the objection that the Club provided during the public notification period that specific comment was made relating to the substation relocation. This was commended by the Club at the time (again our response attached with reference to Page 15).

Could you please advise what approved works would be associated with the excavation as per the attached images please.

Thank you in advance.

Regards

Pieter



This message may be confidential. If you are not the intended recipient please contact the sender and permanently delete the message.

From: [Pieter Van Der Walt](#)
To: [Taylor, Bob](#)
Cc: [Cilliers, George](#); [Phillips, Brett](#); [Nichelle Jackson](#)
Subject: RE: DA201731563 - Request for advice in relation to works being conducted in relation to DA approval... [SEC=UNCLASSIFIED]
Date: Sunday, 5 August 2018 12:52:43 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Thank you Bob,

It is interesting that the Notice of Decision suggest that no-one other than the applicant is adversely affected by this amendment where the Lessee of Block 13 have represented twice on this matter as part of the DA – and they were not consulted in making this change.

I'll pass the documents provided onto the Club;

Regards

Pieter



This message may be confidential. If you are not the intended recipient please contact the sender and permanently delete the message.

From: Taylor, Bob <Bob.Taylor@act.gov.au>
Sent: Friday, 3 August 2018 12:01 PM
To: Pieter Van Der Walt <Pieter@CanberraTownPlanning.com.au>
Cc: Cilliers, George <George.Cilliers@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>; Nichelle Jackson <Nichelle@CanberraTownPlanning.com.au>
Subject: RE: DA201731563 - Request for advice in relation to works being conducted in relation to DA approval... [SEC=UNCLASSIFIED]

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Bob Taylor | Manager | Deed Management

Phone 02 6207 1669 | Fax 02 6207 1856

Planning Delivery Division | Environment and Planning Directorate | ACT Government

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

From: Pieter Van Der Walt [<mailto:Pieter@CanberraTownPlanning.com.au>]

Sent: Monday, 30 July 2018 8:13 PM

To: Phillips, Brett <Brett.Phillips@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>

Cc: Nichelle Jackson <Nichelle@CanberraTownPlanning.com.au>

Subject: DA201731563 - Request for advice in relation to works being conducted in relation to DA approval...

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Could you please advise what approved works would be associated with the excavation as per the attached images please.

Thank you in advance.

Regards

Pieter

A yellow rectangular signature block. On the left is a square placeholder for a profile picture containing a question mark icon. To the right of the placeholder, the text reads: "Pieter Van der Walt", "Director • Town Planner", and "Mobile 0409 550 596". On the far right of the block is a small icon of a document with a checkmark.

This message may be confidential. If you are not the intended recipient please contact the sender and permanently delete the message.

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.

From: [Nathan Ross](#)
To: [Arthur Roufogalis](#)
Cc: [Dan Stewart](#); [Damian Rumball](#)
Subject: Republic carpark meeting
Date: Wednesday, 20 March 2019 12:31:58 PM
Attachments: [image537455.png](#)
[image021417.png](#)
[image922655.png](#)
[image246042.png](#)
[image542223.png](#)
[image795902.gif](#)
[190320 Republic- Canberra Labor Club plans.pdf](#)

Good afternoon Arthur,

As mentioned yesterday, please see the attached carpark plans highlighting vehicular and pedestrian access and egress as well as parking locations.

This is 301 carparks with an additional 28 motorcycle parking bays.

We will print some large copies of the plans for our 3pm meeting tomorrow.

Please let me know if you require any additional information prior to the meeting.

Kind regards,

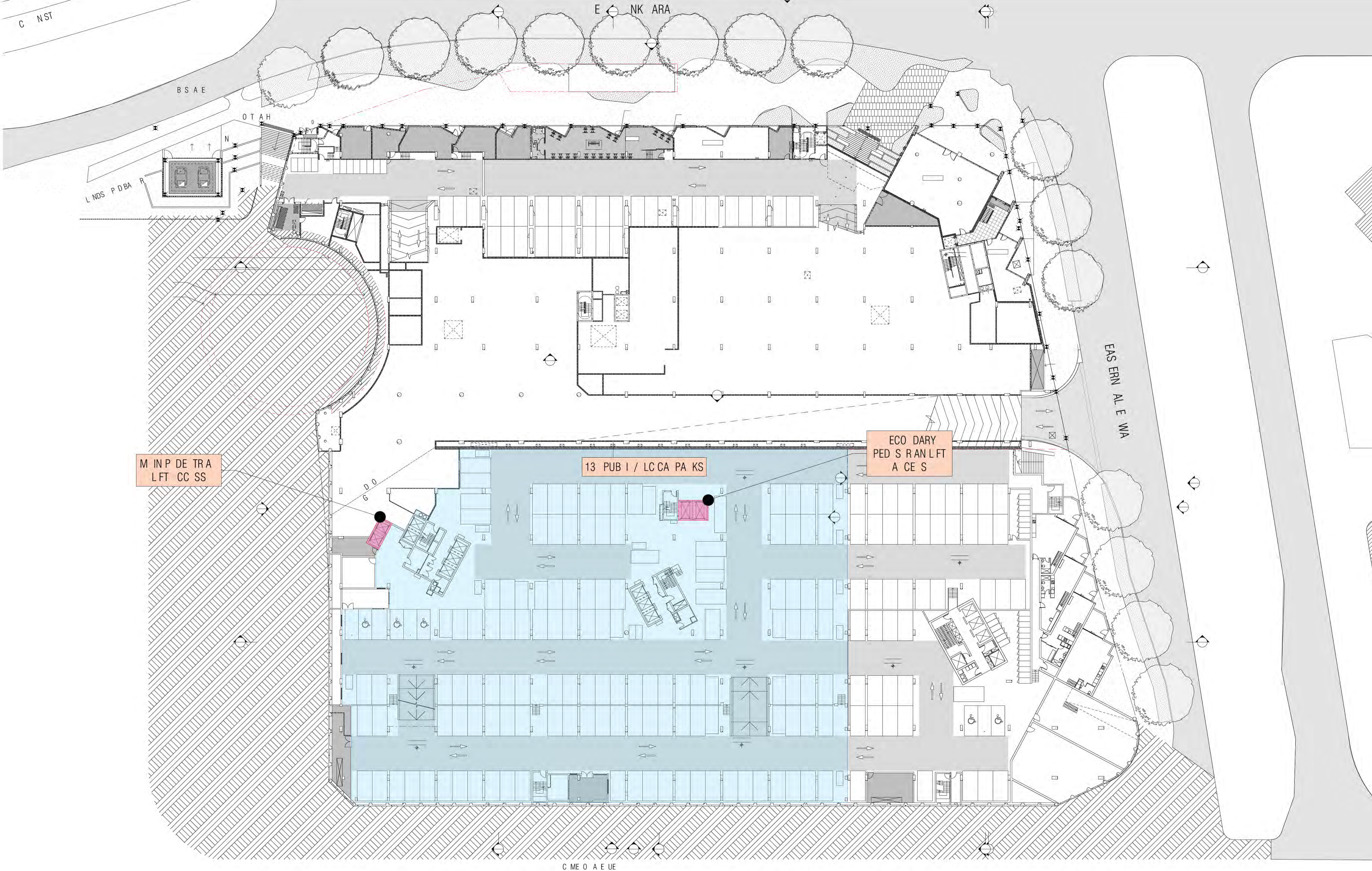
Nathan Ross | Development Manager

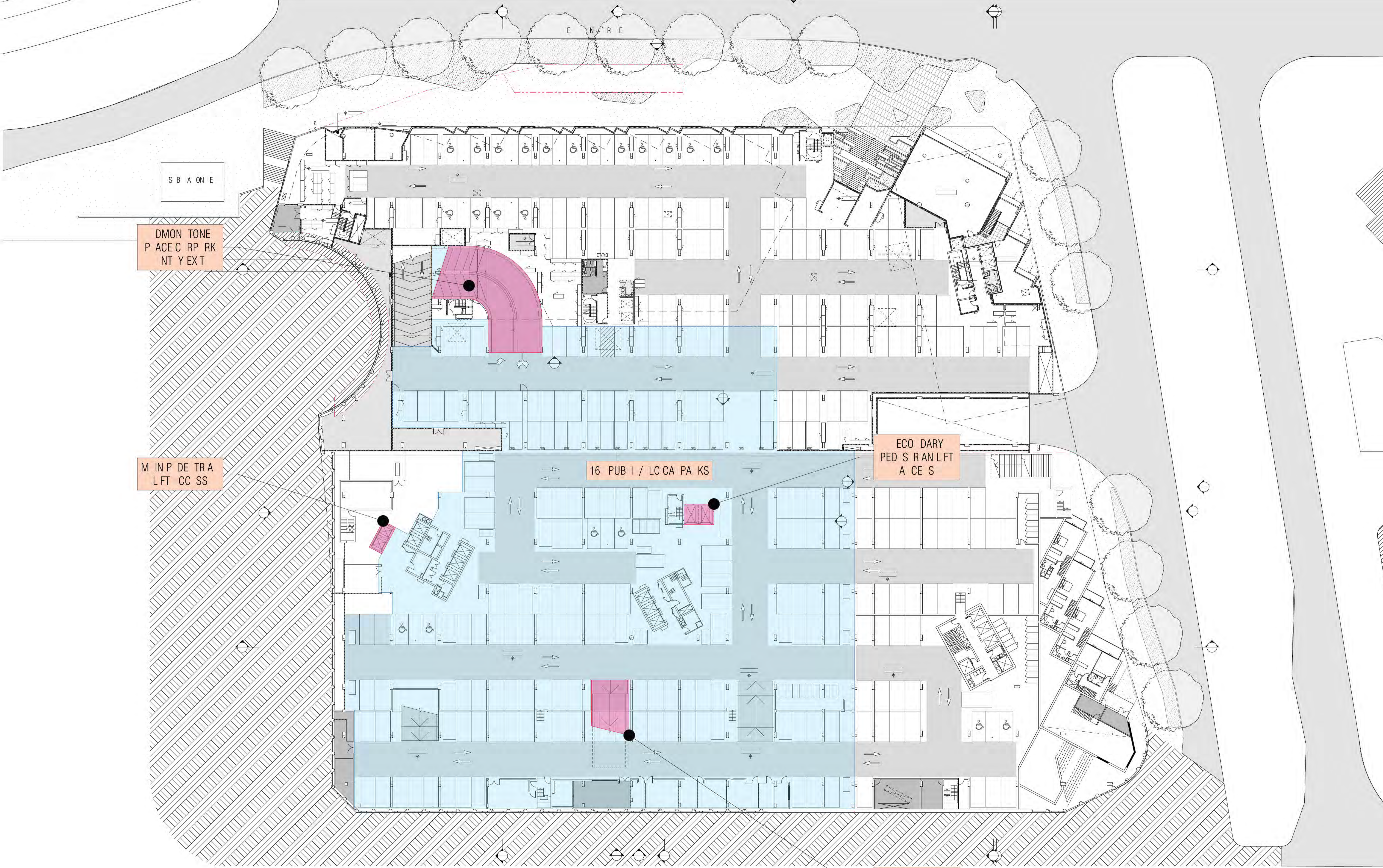
Office: Unit 18 Level 1, 24 Iron Knob Street Fyshwick ACT 2609 | Postal: PO Box 5425, Kingston ACT 2604

P: 02 6255 0430 | [REDACTED] | F: 02 6241 2706 | E: Nathan.Ross@geocon.com.au

GEOCON.COM.AU







S B A O N E

DMON TONE
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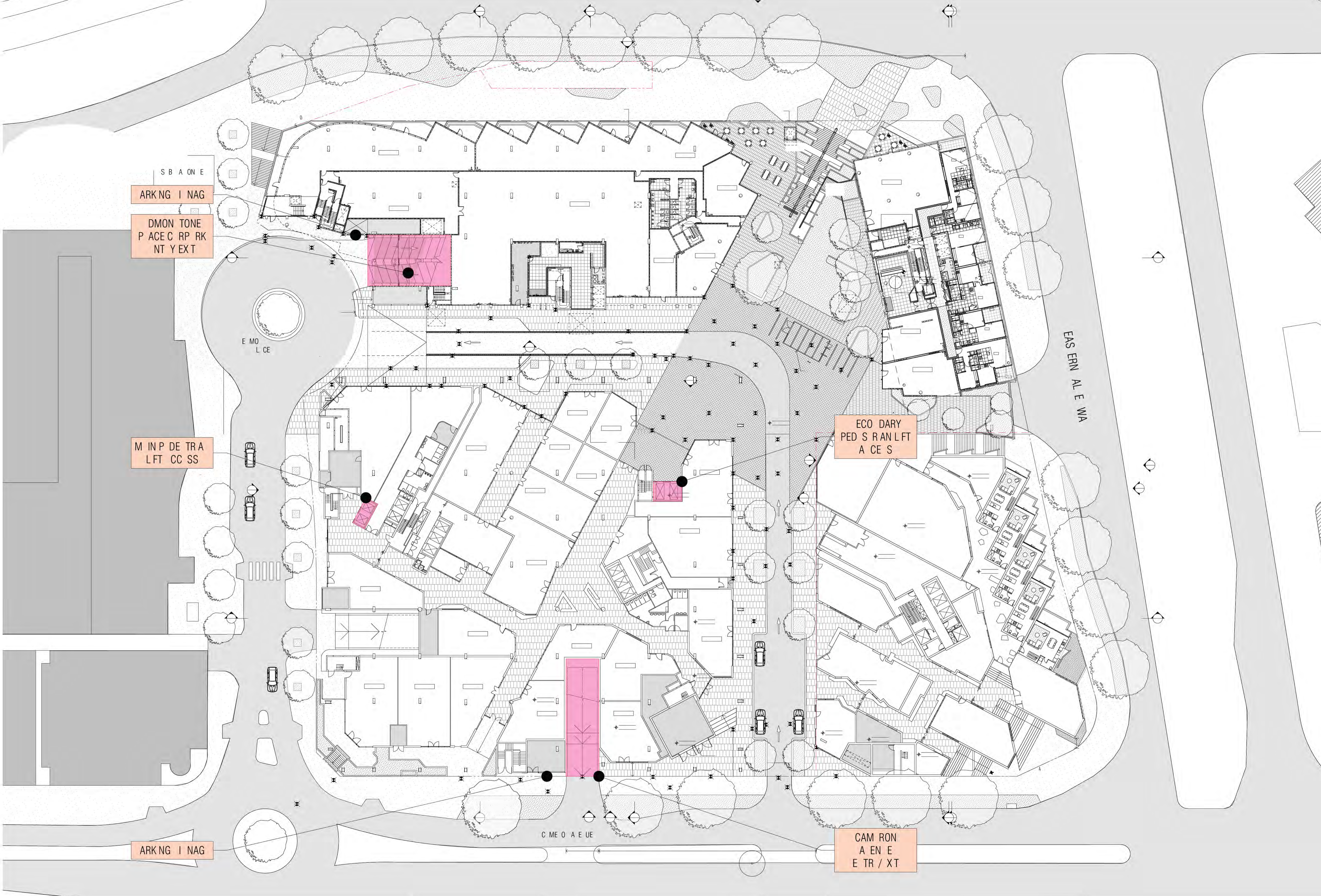
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ECO DARY
 PED S RAN LFT
 A CE S

ARKNG I NAG

CAM RON
 A EN E
 E TR / XT

From: [Gell, Chris](#)
To: [Vetsavong, Phab](#)
Cc: [Cargill, James](#); [Taylor, Bob](#)
Subject: FW: Public notification timeframe for DA201731646, DA201731563, and DA201731647 - Request for further time to respond. [SEC=UNCLASSIFIED]
Date: Wednesday, 8 November 2017 5:40:38 PM
Attachments: [Republic Render Cam 01.jpg](#)
[Attachment A.PDF](#)
[GEOCON Letter to CLC Chair.pdf](#)
Importance: High

Phab-

I'll discuss the extension in time and traffic report request with George tomorrow.

Chris

From: Phillips, Brett
Sent: Wednesday, 8 November 2017 4:58 PM
To: Gell, Chris <Chris.Gell@act.gov.au>
Subject: FW: Public notification timeframe for DA201731646, DA201731563, and DA201731647 - Request for further time to respond. [SEC=UNCLASSIFIED]
Importance: High

FYI

From: Pieter Van Der Walt [<mailto:Pieter@CanberraTownPlanning.com.au>]
Sent: Wednesday, 8 November 2017 4:43 PM
To: Cilliers, George <George.Cilliers@act.gov.au>; Phillips, Brett <Brett.Phillips@act.gov.au>
Cc: Grahame Kent <Grahame.Kent@laborclub.com.au>; Nichelle Jackson <Nichelle@CanberraTownPlanning.com.au>
Subject: RE: Public notification timeframe for DA201731646, DA201731563, and DA201731647 - Request for further time to respond.
Importance: High

Brett, George,

Further to our request for an extension in time to respond to the Section 200 Belconnen DA's amendments (see below) we confirm that the Section 200 proponent requested the Club's support for components of the DA Amendments. This was discussed in a presentation to the Board of the Club on 1 November 2017. Subsequently the proponent has sought in writing the Club's support and suggested 27 November 2017 as the date for finalising any agreement.

Information in relation to traffic is critical to the Club's position on the amended DA but is not available in the DA material on the EPSDD website. We have asked the proponent to provide that information. In addition we have sought consent of the proponent to an extension of time to make representations, as you requested. A copy of our letter to the proponent is **attached**. At the time of writing neither the information sought nor the consent to an extension of time has been provided.

It is suggested that an extension of time is warranted on the basis that it makes sense that there be a coordinated response to the amended DA and the proponent's request for support. The

expense involved in the Club making the representations, and that of the planning authority in addressing the representations, will be wasted where not all relevant material available and agreement may yet be reached between the parties. We again request that the Authority provide the Club with an extension to respond to the updated DA proposals and request that such extension take into account the 27 November 2017 resolution date proposed by the proponent.

Please provide us with your advice by COB 9 November 2017 to allow the Club to respond accordingly noting that the current timeframe expires on 10 November 2017.

Regards

Pieter



This message may be confidential. If you are not the intended recipient please contact the sender and permanently delete the message.

From: Pieter Van Der Walt
Sent: Thursday, 2 November 2017 6:11 PM
To: 'Cilliers, George' <George.Cilliers@act.gov.au>; 'Phillips, Brett' <Brett.Phillips@act.gov.au>
Cc: Grahame Kent <Grahame.Kent@laborclub.com.au>; 'nichelle@canplan.com.au' <nichelle@canplan.com.au>
Subject: Public notification timeframe for DA201731646, DA201731563, and DA201731647 - Request for further time to respond.
Importance: High

George, Brett,

With reference to DA201731646, DA201731563, and DA201731647 that is currently being notified on the EPSDD website we wish to request the Authority's consideration to provide additional time for review of the documents and provision of responses, comments and/or objections to the proposal.

We are acting for and on behalf of the Labor Club in considering the Section 200 Belconnen proposal that is documented in the DA's as presented. We have provided commentary on the proposal as initially presented in May 2017. We note that the proponent has subsequently submitted amended documents to the Authority which is currently being notified for consideration and comment.

The proponent presented some of the design changes to the Labor Club Board on 1 November 2017 seeking the Club's consideration and comment. The proponent undertook to provide the Club with a consolidated response on the key amendments made for which our commentary is

requested and this is expected to reach us in the week starting 6 November 2017.

We have also commenced our review of the re-notified documents with a view of providing further comment to the Authority in relation to the amended design and the presentation received.

In light of the complexity of the development presented, the changes proposed and the amount of documentation presented across three DA applications we request the Authority's consideration to provide the Club with an additional 3 week timeframe to consider the amended proposal and provide comment.

This extension will provide an opportunity to consider the amended proposal in full, consider the matters presented by the proponent for which they seek our comment directly and prepare a response to the Authority.

We again note that the legislation does not provide any opportunity for appeal post DA assessment and that the scale of the development and likelihood of impact on the Club is considerable.

Providing the Club with sufficient time to consider the proposals and respond in our view is important to allow careful consideration and response to the matters presented.

Please advise urgently whether this additional 3-week timeframe can be granted.

Thank you in advance.

Regards

Pieter

CTP Logo

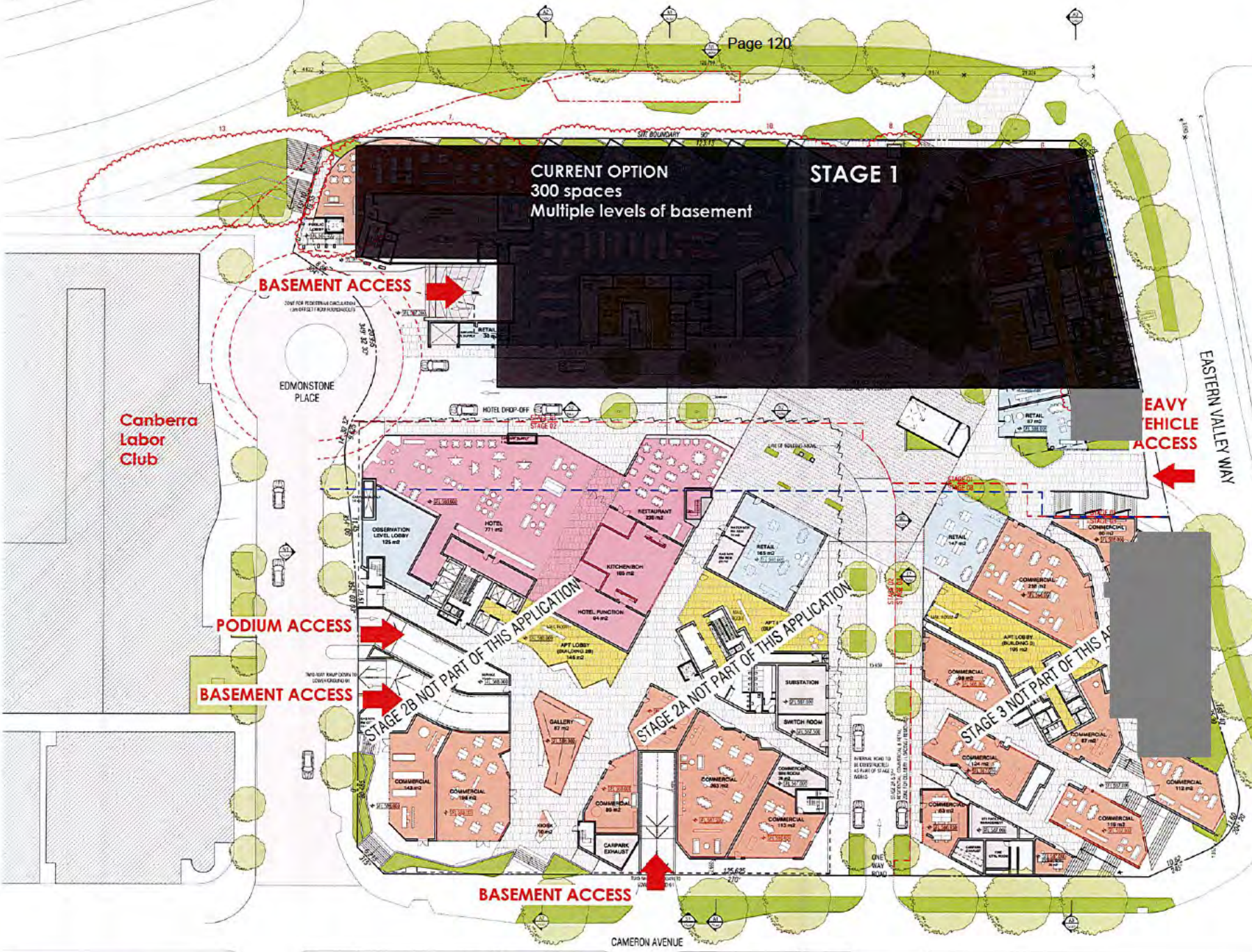


Pieter Van der Walt
Director • Town Planner

Mobile 0409 550 596



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- ST44 AMENDMENT STAGE 1 APPLICATION REMOVED
- BASEMENTS**
1. BASEMENT 2 HAS BEEN REMOVED
 2. BASEMENT 1 AND 2 CAR PARKING AND SERVICES HAVE BEEN RECONFIGURED
 3. BASEMENT LEVELS ARE ADJUSTED AND FLOORED TO ACCOMMODATE LOWER LEVEL FLOOR 1 FOR CARPARKING AND SERVICE VEHICLES
- GROUND FLOORS**
4. LOWER GROUND 2 FLOORING/VEHICLE PAVEMENT FROM EASTERN VALLEY WAY FOR SERVICE VEHICLES ONLY
 5. COMMERCIAL ZONES ADJACENT TO STAGE 1 TO DRINKER GROUND 2 AND LOWER GARDENS 1 ARE AGING CONCRETE
 6. GROUND FLOOR STAGE 1 REAPPLICATIONS ON THE NORTH WESTERN CORNER ARE REPLACED WITH COMMERCIAL UNITS, COMMERCIAL LOBBY AND DEPARTURE 1 F ACCESS, REDESIGN LOBBY LAYOUT IS RELOCATED WESTERN CORNER ENLARGED COMMERCIAL UNITS TO THE NORTHWEST CORNER ENLARGED, WESTERN CORNER MAJOR SERVICES ROOM DELETED
 7. LOWER GROUND 2 PUBLIC LIFT FROM EAST BANK RELOCATED TO BE ADJACENT WITHIN PROXIMITY TO THE MAIN STAIRCASE ON THE CORNER OF EAST BANK AND EASTERN VALLEY WAYS
 8. GROUND FLOOR BANK SERVICES MEDIA AND MECHANICAL PLANT ON NORTHERN WALL BANK BOULEVARD REMOVED
 9. GROUND FLOOR MARKET HALL IS PROVIDED WITH EXTENSIVE GLAZING AND UPSCALE TERRACE ARRANGEMENT WITH LANDSCAPING TO THE NORTHERN BOULEVARD AND EASTERN PLAZA
 10. THE MARKET HALL HAS REDUCED IN SIZE FROM 1.000SQM TO THE NEW PROPOSED 1.377SQM
 11. RELOCATION OF THE SUBSTATION FROM THE NORTH WESTERN CORNER OF THE SITE RELOCATED WITHIN BUILDING 10
 12. LANDSCAPING PROVIDED BY STAGE 1 OF THE NORTH WESTERN CORNER OF THE SITE TO ALLOW A TRANSITION FROM EAST BANK TO THE GROUND FLOOR PLANE
- MEZZANINE**
14. MEZZANINE PLAN ADJUSTED TO SUIT GROUND FLOOR REAPPLICATIONS
- LEVEL 1-15 (BUILDING 1A ROOF)**
15. BUILDING 1A HAS RASSED APPROXIMATELY 6.5M WEST TO PROVIDE GREATER SOUTH ACCESS AND SEPARATION BETWEEN BUILDING 1A AND 1B
- ELEVATIONS AND SECTIONS**
16. BUILDING 1A FINISHES FOR AN AMOUNT FROM THE GROUND FLOOR TO LEVEL 1
 17. STAGE 1A DEVELOPMENT REDUCED 1 FROM 14 LEVELS TO 13 LEVELS
- SHADOW ANALYSIS AND DEVELOPMENT SUMMARY**
18. SHADOW ANALYSIS AND DEVELOPMENT SUMMARY OPERATED WITHOUT CHANGES TO BUILDING STAGE 1A AND 1B

GEOCON
BUILDING CANBERRA

NO.	REVISION	DATE
01	ISSUE FOR APPROVAL	01/09/2017
02	ISSUE 1 (MAY 2018) APPROVAL	05/10/2018
03	ISSUE 2 (MAY 2018) APPROVAL	01/10/2018
04	ISSUE 3 (MAY 2018) APPROVAL	19/08/2017
05	ISSUE 4 (MAY 2018) APPROVAL	01/08/2017
06	ISSUE 5 (MAY 2018) APPROVAL	16/08/2017
07	ISSUE 6 (MAY 2018) APPROVAL	01/08/2017

NOT FOR CONSTRUCTION

DATE: 01/09/2017
 DRAWN: J. BROWN
 CHECKED: M. BROWN
 APPROVED: J. BROWN

SECTION 200
BELCONNEN
ACT. 2617

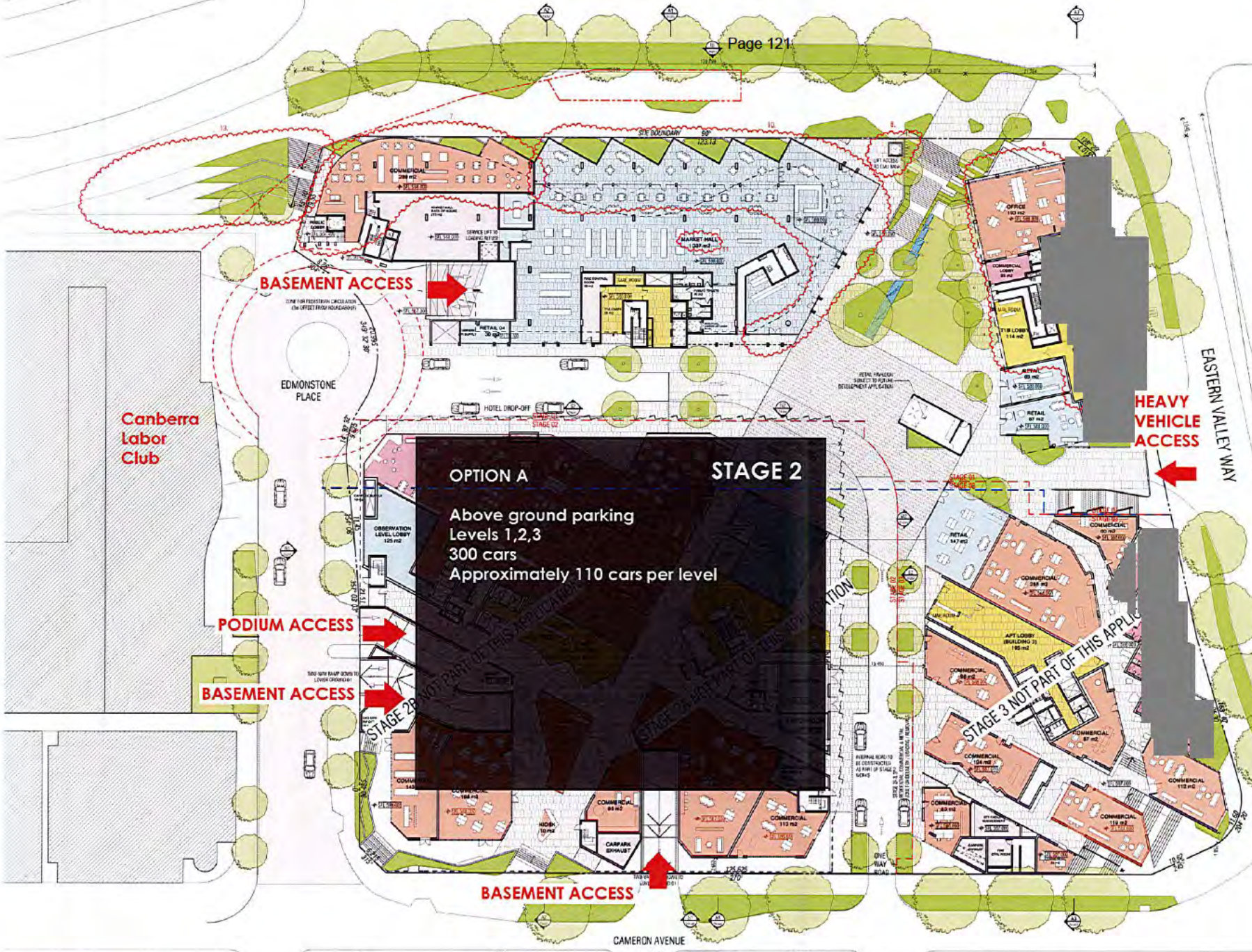
NOTE: FURNITURE LAYOUTS ARE INDICATIVE ONLY

FENDER KATVALDIS ARCHITECTS

INDUSTRIAL COO
PROPERTY GROUP SOUTH AUSTRALIA
2008 VICTORIA AVENUE
MELBOURNE 3000
TELEPHONE

06 DEVELOPMENT APPLICATION

- BASEMENTS**
- BASEMENT 2 HAS BEEN REDESIGNED
 - BASEMENT 1 AND 2 CARPARKING AND SERVICES HAVE BEEN RECONFIGURED
 - BASEMENT LEVELS ARE ADJUSTED AND REHANCED TO ACCOMMODATE LOWER GROUND FLOOR 3 FOR CARPARKING AND SERVICE VEHICLES
- GROUND FLOOR**
- CONCRETE FLOOR 2 IS CONFIGURED, VERTICAL INFILTRATION FROM EASTERN VALLEY WAY FOR SERVICE VEHICLES ONLY
 - COMMERCIAL ZONES ADDED TO STAGE 1B ON LOWER GROUND 2 AND LOWER GROUND 1, INCLUDING SERVICE LIFTS
 - GROUND FLOOR STAIRS TO APARTMENTS ON THE NORTHWEST CORNER ARE REPLACED WITH COMMERCIAL LIFTS, COMMERCIAL LIFT LOBBY AND SEPARATE LIFT AND STAIRS FROM LOBBY LIFTS ARE ADJUSTED
 - COMMERCIAL UNITS TO THE NORTHWEST CORNER ENLARGED, WESTERN FACED, MAJOR SERVICES ROOMS DELETED
 - APART 2 AND 3 PUBLIC LIFT PROVIDED AND BANK RELOCATED TO BE MOVED FROM PROPERTY TO THE MAIN STAIRCASE ON THE CORNER OF CAMERON AVENUE AND EASTERN VALLEY WAY
 - GROUND FLOOR MAIN SERVICES ROOM AND MECHANICAL PLANT ON NORTHWEST CORNER (PREVIOUSLY RELOCATED)
 - GROUND FLOOR MARKET HALL IS PROVIDED WITH EXTERIOR GLAZING AND OUTLET SERVICE ENTRANCE AND OWN LANDSCAPING TO THE NORTHERN SIDEWALK AND EASTERN PLACE
 - THE MARKET HALL IS REDUCED IN SIZE FROM 1,400 SQM TO THE NEW PROPOSED 1,170 SQM
 - RELOCATION OF THE SUBSTATION FROM THE NORTH WEST CORNER OF THE SITE IS RELOCATED WITHIN BUILDING 10
 - LANDSCAPING PROVIDED IN FRONT OF THE NORTH WEST CORNER OF THE SITE TO FOLLOW A THROUGH FROM EAST BANK TO THE GROUND FLOOR PLANT
- MEZZANINE**
- MEZZANINE PLAN ADJUSTED TO SUIT GROUND FLOOR REPLACING
- LEVEL 1-15 BUILDING 1A (R&R)**
- BUILDING 1A HAS MOVED APPROXIMATELY 7.5 CM WEST TO PROVIDE GREAT CR 90% IN FLOORS AND SEPARATION BETWEEN BUILDING 1A AND 10
- ELEVATORS AND STAIRS**
- BUILDING 1A PROVIDES FOR A CORRIDOR FROM THE GROUND FLOOR TO LEVEL 1
 - STAGE 1A DEVELOPMENT REDESIGNED FROM 10 LEVELS TO 13 LEVELS
- SHADOW ANALYSIS AND DEVELOPMENT SUBMITTAL**
- SHADOW ANALYSIS AND DEVELOPMENT SUBMITTAL UPDATED TO SUIT CHANGES TO BUILDING STAGE 1A AND 10



REVISION	DATE	BY	CHKD BY
01	15/01/2014	...	...
02	15/01/2014	...	...
03	15/01/2014	...	...
04	15/01/2014	...	...
05	15/01/2014	...	...
06	15/01/2014	...	...
07	15/01/2014	...	...
08	15/01/2014	...	...
09	15/01/2014	...	...
10	15/01/2014	...	...
11	15/01/2014	...	...
12	15/01/2014	...	...
13	15/01/2014	...	...
14	15/01/2014	...	...
15	15/01/2014	...	...

QUALITY ASSURANCE

Check all work is completed in accordance with the contract documents and specifications. The contractor shall be responsible for ensuring that all work is completed in accordance with the contract documents and specifications.

DATE: 02/10/2014

NOT FOR CONSTRUCTION

1:250 @ B1

SECTION 200 BELCONNEN ACT. 2617

DATE: 02/10/2014

NOTE: FURNITURE LAYOUTS ARE INDICATIVE ONLY

PENDER NATALIAIS ARCHITECTS

PRACTISE.COM AUSTRALIA

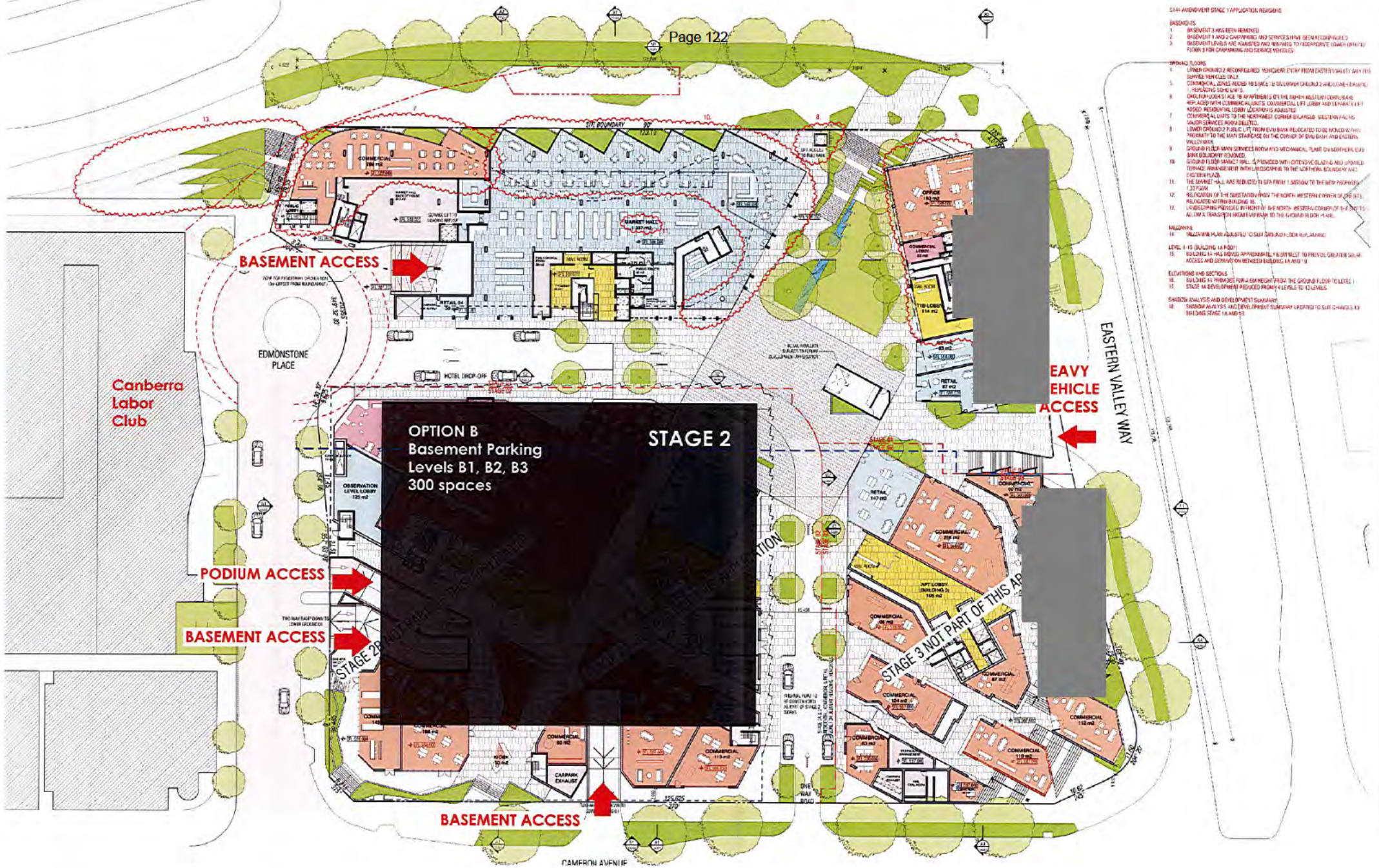
3844 MUCKLEBERRY ROAD, SYDNEY NSW 2000

02 9394 3888

SECTION 200 BELCONNEN ACT. 2617

GROUND FLOOR PLAN - CAMERON AVENUE

06 | DEVELOPMENT APPLICATION | DA105



- STAFF AVENUE STAGE 1 APPLICATION REVIEWING**
- BASED ON:**
1. BASEMENT 3 HAS BEEN REMOVED
 2. BASEMENT 1 AND 2 CARPARKING AND SERVICES HAVE BEEN RECONFIGURED
 3. BASEMENT LEVELS ARE ABANDONED AND REPAIRED TO UNDERPINNED LOWER LEVELS FLOOR 3 FOR CARPARKING AND SERVICE VEHICLES
- PARKING FLOORS:**
4. LOWER GROUND 2 RECONFIGURED VEHICLES ENTRY FROM EASTERN VALLEY WAY WITH SERVICE VEHICLES ENTRY
 5. COMMERCIAL LEVELS MAINTAINED AS LEVELS 10 ON LEVELS 10 AND 11 (UNDERGROUND) - REPLACING SOME LIFT
 6. SINGLEY CARPARKAGE IS APART FROM THE SOUTH WEST CORNER AS REPAIRED WITH COMMERCIAL USES COMMERCIAL USE LEVELS 11 & 12 ADDED. RESIDENTIAL LIFT LAYOUTS ADJUSTED
 7. COMMERCIAL LAYOUTS TO THE NORTHWEST CORNER (GARDENS) WESTERN FACED SANDS SERVICES NOW DELIVERED
 8. LOWER GROUND 2 PUBLIC LIFT FROM EAVY BANK RELOCATED TO BE MOVED TO THE PRESENTLY TO THE MAIN STAIRCASE ON THE CORNER OF EDMONSTONE AND EASTERN VALLEY WAYS
 9. GROUND FLOOR MAIN SERVICES (ELECTRICAL, PLUMBING) FROM NORTHERN EAVY BANK BUILDING REMOVED
 10. GROUND FLOOR SERVICE TUNNELS PROVIDED WITH LIFTING CLASH AND UPDATES TO TUNNELS ARRANGEMENT WITH LANDSCAPING TO THE NORTHERN SIDE AND EASTERN PLACE
 11. THE MARKET HALL HAS BEEN REDUCED TO DATA FROM 1.5 STOREY TO THE NEW PROPOSED 2.5 STOREY
 12. RELOCATION OF 3-H STOREY STATION FROM THE NORTH WESTERN CORNER TO THE NEW PROPOSED 2.5 STOREY
 13. AN OVERPASS PROVIDED BY WORKING IN THE NORTH WESTERN CORNER OF THE SITE TO ALLOW A THROUGH FLOW UP TO THE GROUND FLOOR LEVEL
- REVISIONS:**
14. REVISION PLAN ADJUSTED TO MATCH AND LOCK UP PLAN
- LEVELS:**
14. BUILDING 1A (P01)
 15. BUILDING 1A HAS MOVED APPROXIMATELY 50 METRES TO PROVIDE GREATER SHAD ACCESS AND GROUND ON BETWEEN BUILDING 1A AND 1B
- ELEVATIONS AND SECTIONS:**
16. BUILDING 1A PROVIDES FOR A GROUND FLOOR TO THE GROUND FLOOR TO LEVEL 1
 17. STAGE 1A DEVELOPMENT PROVIDES PRIMARY LEVELS TO LEVELS
- SHADOW ANALYSIS AND DEVELOPMENT GUIDANCE:**
18. SHADOW ANALYSIS AND DEVELOPMENT GUIDANCE UPDATED TO REFLECT CHANGES TO THE STAGE 1A AND 1B

GEOCON

BUILDING CANBERRA

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GEOCON Constructors (ACT) Pty Ltd
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November 6, 2017

Mr Brian Weir
Chair
Canberra Labor Club
PO Box 167
Canberra ACT 2616

admin@laborclub.com.au

RE: Section 200 Belconnen

Dear Mr Weir

Thank you for the opportunity to present our updated design to the Canberra Labor Club (CLC) Board on Wednesday, November 1, 2017.

I have summarised the key outcomes of the meeting for your consideration:

- Geocon provided the CLC with an update on the DA process and confirmed the following design changes and improvements:
 - Widening of Edmonston Place and associated roundabout, as per the specification in the Deed of Agreement, to accommodate a full heavy vehicle turning movement.
 - Additional entries to above-ground and below-ground parking to improve traffic flows.
 - General design improvements, including reducing the scale of the towers, increasing public open space, plus built-form and ground-floor public domain improvements.
 - Improving general carpark arrangements and increasing number of parking spaces.
- Geocon advised that Stage 1 and Stage 2 of the proposed development would now commence and be delivered much closer together than envisaged.
- The timeframe between Stages 1 and 2 commencing is now likely to be 6-10 months.
- Given that Stages 1 and 2 will be delivered more closely together, Geocon is able to offer the CLC additional options regarding the preferred location of the 300 publicly available carspaces

- Geocon suggested a more desirable outcome for the CLC would be for the 300 carspaces to be in Stage 2, as this location was arguably more suitable for patrons and better aligned to Edmonston Place.
- Geocon suggested the CLC may wish to look at a combination of options, or a hybrid option, where some of the 300 carspaces are located in Stage 1 and some in Stage 2.
- In the event the CLC elects to proceed with the 300 carspaces in Stage 2, Geocon advised it was willing to work with the CLC to provide temporary car spaces (above and beyond the 90 that are mandatory) as part of the Stage 1 works, until Stage 2 is completed.

Attachment A identifies all the new options available to the CLC.

Should the CLC wish to pursue any of the revised options, a formal variation to the Deed of Agreement between Geocon and the ACT Government will be required. Geocon is of the view that this would be a relatively simple administrative process.

Regarding the location and configuration of the parking, given the extent, flexibility and quantum of parking across the entire site, Geocon is confident a solution can be reached that addresses the needs of all parties. As mentioned, this is now possible because of the reduced time in which Stages 1 and 2 will be delivered.

With respect to the financial elements and other provisions of the leasing proposal, Geocon considers that the third-party valuation process remains the best avenue to deal with these matters and both parties should continue with this process.

Geocon would appreciate the CLC considering its position in relation to the above matters and writing to Geocon to confirm the following:

- Whether the CLC would like to accept any of the alternative options proposed by Geocon
- Whether the CLC would support a variation to the Deed of Agreement in relation to the above.

If our two parties are unable to reach an agreement by Monday, November 27, 2017, Geocon will proceed with the current originally proposed option as construction is scheduled to commence in early 2018.

Please feel free to contact me if you have any questions. We look forward to receiving a response from the CLC soon.



Peter Micalos
General Manager – Development
GEOCON GROUP

From: [Taylor, Bob](#)
To: [Pooley, John](#); [Gell, Chris](#); [Cargill, James](#); [Sharp, Irena](#)
Cc: [Cilliers, George](#); [Rootes, Grant](#); [Ding, Brendan](#); [Webb, Chris](#)
Subject: RE: Belconnen S200 B2 - Car Park AFL [SEC=UNCLASSIFIED]
Date: Friday, 18 January 2019 9:21:00 AM
Attachments: [FW Block 2 Section 200 Belconnen.msg](#)
[FW Block 2 Section 200 Belconnen.msg](#)

Good Morning

Please find attached information provided by the Labor Club for reading before the meeting this afternoon.

Thanks

Bob

-----Original Appointment-----

From: Taylor, Bob
Sent: Tuesday, 15 January 2019 3:31 PM
To: Taylor, Bob; Pooley, John; Gell, Chris; Cargill, James; Sharp, Irena
Cc: Cilliers, George; Rootes, Grant; Ding, Brendan; Webb, Chris
Subject: Belconnen S200 B2 - Car Park AFL
When: Friday, 18 January 2019 2:30 PM-3:30 PM (UTC+10:00) Canberra, Melbourne, Sydney.
Where: DPMH, Conference Rm, L1 Sth Bld (12-20 People, Electronic White Board)

Hi All

Thank you for making the time available. I'll send through an information package shortly.

Cheers

Bob

From: [Nathan Ross](#)
To: [Arthur Roufogalis](#)
Cc: [Dan Stewart](#)
Subject: CLC/ Geocon meeting minutes
Date: Thursday, 28 March 2019 12:00:53 PM
Attachments: [image538507.png](#)
[image987489.png](#)
[image677537.png](#)
[image772872.png](#)
[image207639.png](#)
[image668762.gif](#)
[190326 Meeting minutes.pdf](#)

Good morning Arthur,

Please see attached meeting minutes from our meeting on Tuesday.

We look forward to getting this back on track and resolved urgently.

If you have any further questions please don't hesitate to call,

Kind regards,

Nathan Ross | Development Manager

Office: Unit 18 Level 1, 24 Iron Knob Street Fyshwick ACT 2609 | Postal: PO Box 5425, Kingston ACT 2604

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