



AUSTRALIAN CAPITAL TERRITORY
CIVIL & ADMINISTRATIVE TRIBUNAL

ACT CIVIL AND
ADMINISTRATIVE TRIBUNAL
RECEIVED

13 DEC 2024

No:

AUSTRALIAN CAPITAL
TERRITORY

Application for Review of a Decision

ACAT File Number:
(ACAT use only)

AT#0R 142/2024

Is this an application to review a decision about occupational registration, licensing or disciplinary action?

Yes

No

Name and section of legislation which gives a right of review of the decision

(Please refer to www.acat.act.gov.au for a list of legislation under which you are able to bring a request to review a decision to the ACAT):

Planning and Development Act 2007 (ACT) ss 408A and 409

APPLICANT DETAILS (For multiple applicants attach details on a separate page)

Name: FRIENDS OF FEDERAL FAIRWAYS INCORPORATED (ABN 96 962 321 793)

Postal Address: PO Box 3739
MANUKA ACT 2603

Preferred Phone Number: 0414 829 282

Alternate Phone Number:

Email: info@foff.org.au

APPLICANT REPRESENTATIVE DETAILS

(Any representative who is not a lawyer should file an *Authority to Act for a Corporation or Power of Attorney*)

Name: Harry Kay

Postal Address: Terracon Legal
30 Bougainville Street
GRIFFITH ACT 2603

Phone Number: 02 6128 0755

Email: harry@terraconlegal.com.au

DECISION MAKER DETAILS

Who made the decision you
are seeking to review
(name of entity):

ACT Planning and Land Authority

Postal Address:

Access Canberra
GPO Box 158
CANBERRA ACT 2601

Preferred Phone Number:

02 6207 6383

Alternate Phone Number:

Email:

EPDCustomerservices@act.gov.au

DETAILS OF THE REVIEWABLE DECISION

Date Reviewable
Decision Made:

18 November 2024

Date you received decision:

19 November 2024

Was the decision made after an Internal Review was sought?:

- Yes. If yes, please provide details and attach a copy of correspondence relating to the internal review of decision.
- No. If no, the ACAT may not be able to review the decision until after it has been the subject of Internal Review.

Briefly describe the decision and attach a copy (Attach page if insufficient space)

Decision to approve, subject to conditions, the proposal for demolition of existing structures and tree removal, construction of a 125 unit retirement village comprising of 48 apartments in 6 buildings and 77 single storey houses, residents facilities building, construction of an access road, driveway verge crossing and off site road works, signage, landscaping and associated works, at Block 1 Section 56 Red Hill and Block 76 Section 10 Garran, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.
A copy of the Notice of Decision, dated 18 November 2024, is attached.

Interim or emergency orders sought:

(for example, to stay a decision that has been made)

N/A

REASONS FOR APPLYING FOR REVIEW

It is important that you tell us your reasons for seeking a review of the decision and why you think a different decision should be made. (Attach page if insufficient space. Further details can also be provided in an accompanying affidavit or statement)

Please see Attached document marked "Applicant's Reasons for Applying for Review".

ORDERS SOUGHT

Describe the orders you want ACAT to make (attach page if insufficient space) Under section 68 of the *ACT Civil and Administrative Tribunal Act 2008*, the tribunal may set aside, confirm or vary the reviewable decision. Other orders can also be made under authorising laws.

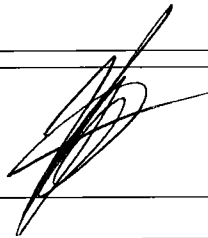
The decision contained in the Notice of Decision, dated 18 November 2024, be set aside.

APPLICATION FOR EXTENSION OF TIME TO LODGE THE APPLICATION FOR REVIEW

You must complete this section if your application is late. Normally only 28 days are allowed between the date of the decision and the date you lodge this application. Explain in detail why your application is late and why an extension of time should be given to lodge the application (Attach page if insufficient space).

N/A

Signature of applicant or applicant's representative:



Name of applicant or applicant's representative:

Harry Kay, Terracon Legal

(Any representative who is not a lawyer must be properly authorised by an *Authority to Act for a Corporation* or *Power of Attorney*)

Date: 13 December 2024



ACT
Government

Environment, Planning and
Sustainable Development

NOTICE OF DECISION

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

I, Matt Davis, delegate of the planning and land authority, pursuant to section 162 of the *Planning and Development Act 2007*, **approve subject to conditions** the proposal for **demolition of existing structures and tree removal, construction of a 125 unit retirement village comprising of 48 apartments in 6 buildings and 77 single storey houses, residents facilities building, construction of an access road, driveway verge crossing and offsite road works, signage, landscaping and associated works**, at Block 1 Section 56 RED HILL & Block 76 Section 10 GARRAN, in accordance with the plans, drawings and other documentation approved and endorsed as forming part of this approval.

DA Number: 202342264/ s144B

Location: Block 1, Section 56, Red Hill 'Retirement village'
Block 76 Section 10 Garran 'Access Road'

Application lodged: 9 February 2024 / 21 June 2024

Assessment track: Merit

This decision contains the following information:

PART A – conditions of approval

PART B – reasons for the decision

PART C – public notification & entity advice

Attachment 1 – administrative information

Copies of entity advice – as attached

A copy of the development application and this decision may be inspected at the planning and land authority's office from 9:00 am to 4:00 pm, Monday to Friday at 8 Darling Street, Mitchell, ACT 2911

CONTACT / ENQUIRIES

Phone: (02) 6207 6383

Online Form:

https://www.accesscanberra.act.gov.au/app/forms/epd_feedback

Matt Davis

Delegate of the Planning
and Land Authority

18 November 2024

NOTICE OF DECISION

DA 202342264

PART A – CONDITIONS OF APPROVAL

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

GENERAL CONDITIONS

1. APPROVAL DOES NOT TAKE EFFECT

This approval does not take effect until:

- i) the Crown lease (or the part relating to the development) concessional status is removed; and
- ii) the provisions of the Crown lease for Block 1 Section 56 Division of Red Hill (or part thereof) are varied to permit the approved development.

Note: The Crown lease does not permit the site to be used for a retirement village. It is acknowledged there is an application for subdivision that aligns with the plans provided.

2. COMPLIANCE WITH CONDITION – APPROVAL NOT TO TAKE EFFECT

In accordance with Section 184(2)(a) of the *Planning and Development Act 2007*, this approval will end if the lessee has not varied the Crown lease and commenced the approved construction and/or demolition on the site within 36 months of the date of this decision.

3. COMMENCEMENT OF BUILDING WORK

No building work in relation to this development approval is to commence on site until all the relevant conditions within this notice, the approved DA (DA202342260) including the Environment Significance Opinion (ESO) are met.

Note: further conditions in DA202342252 may also affect the commencement of this notice.

4. COMMENCEMENT AND COMPLETION OF DEVELOPMENT

- a) This development must be started (commenced) within **three years** from the date when this approval take effect.
- b) This development must be finished (completed) within **three years** from the date when it started, or within such further time as approved in writing by the planning and land authority.

*Note: The planning and land authority may extend the time to commence or finish the development if an application, to extend the time to commence or finish the development, is made prior to when the development has to be started or finished – refer to section 184(3) and 188 of the *Planning and Development Act 2007* (the Act).*

CONDITIONS RELATING TO DEVELOPMENT and ENTITY REQUIREMENTS

5. FURTHER INFORMATION

The applicant shall lodge with the planning and land authority, an application under section 165 of the *Planning and Development Act 2023* (the Act) seeking approval to address the following conditions:

- a) Addressing EPA requirement regarding site investigation and contamination report in accordance with condition 6.a) & 6.b) below to the satisfaction of the Environment Protection Agency (EPA);
- b) Site plans and floor plans are to include references to the Noise Management Plan consistent with condition 6k) below.

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Notes:

- i) *consider providing all requested information under a single S165 application. This will assist the Authority in providing you a response in the most efficient manner.*
- ii) *information shall be submitted in the eDevelopment portal addressing the above conditions. Please ensure plans and supporting information are suitably named as per the Authority's naming convention, are clouded for any amendments, such clouding are labelled consistently with items listed on the S165 application form,*
- iii) *any substantial changes to the development required to comply with the above conditions may need to be submitted for the approval of the planning and land authority with an application to amend the approval under s205 of the Planning and Development Act 2023.*

6. ENVIRONMENT PROTECTION AUTHORITY (EPA)

The development shall comply with the following conditions to the satisfaction of the EPA, note some conditions require action prior to any works commencing on the site:

Contaminated sites:

- a) A phase 2 detailed site investigation with intrusive assessment must be undertaken by a suitably qualified environmental consultant to further investigate the potential contamination risk associated with each identified Areas of Environmental Concern (AECs) that fall within the proposed areas for development.
- b) The consultant's assessment report into the site's suitability for the proposed and permitted uses from a contamination perspective and a letter of introduction from the land custodian and/or person/company responsible for commissioning the report detailing the purpose of the report and the action being requested from the EPA must be submitted to the EPA (ContaminatedSites@act.gov.au) for review and endorsement prior to construction commencing.

Construction:

- b) All works must be carried out in accordance with "Environment Protection Guidelines for Construction and Land Development in the ACT, August 2022", available at [Environment protection guidelines \(act.gov.au\)](http://Environmentprotectionguidelines(act.gov.au)) or by calling 132281.
- c) As the site is greater than 0.3 hectares the construction is an activity listed in Schedule 1 as a Class B activity under the *Environment Protection Act, 1997*. The contractor/builder developing the site must hold an Environmental Authorisation or enter into an Environmental Protection Agreement with the Environment Protection Authority (EPA) in respect of that activity **prior to works commencing**.
- d) An Erosion and Sediment Control Plan must be submitted to and be endorsed by the EPA **prior to works commencing** on site.
- f) For sites greater than 1 hectare, sediment control ponds must be incorporated during the construction phase of the development until 85% of the site is stabilised.
Pond construction should be in accordance with the following guidelines:
 - i. Be of adequate size to control all runoff from the site (i.e. 150 cubic metres per hectare of catchment).
 - ii. No discharge from dam unless sediment level is less than 60mg/litre. If sediment level is greater, then prior to discharge, the dam must be dosed with either Alum or Gypsum and allowed to settle until the sediment is less than 60 mg/litre.
 - iii. Water level must not exceed 20% capacity at all times to allow runoff storage during a rain event.
 - iv. Regular dredging of the dam must be carried out to remove silt.
 - v. Site drawing and details must be provided to the Environment Protection Unit, Environment ACT for approval prior to works commencing.

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- vi. Temporary Erosion & Sediment control ponds must be incorporated into each stage of development. The size of the ponds must be minimum of 150 m³/ hectare and the temporary ponds shall not be removed until 85 % of the developments are complete or all the disturbed areas are stabilised. The lessee shall comply with *the Environment Protection Act 1997* (the Act) and all relevant policies and guidelines.

Water:

- g) Dams/ponds/structures to be constructed with a capacity of 2 mega litres or more will require a Waterway Works Licence **prior to works commencing**.
- h) Riparian restoration work around waterways may require a Waterway Works Licence. **Applicant is to contact EPA to determine if a Waterway Works Licence is required before commencement of work.**
- i) All works and development to comply with "The Practice Guidelines for Water Sensitive Urban Design in the ACT" (the WSUD Guidelines) available at [Water Sensitive Urban Design - Environment, Planning and Sustainable Development Directorate - Environment \(act.gov.au\)](#)
 - i. At all stages of development, the developer must incorporate controls and operating procedures which ensure that stormwater runoff from the site reflects patterns, volumes and quality that replicates site conditions and takes appropriate measures to mitigate potential flood impacts, adhering to WSUD guidelines to manage stormwater effectively prior to the works commencing.
 - ii. Retain/incorporate naturalised drainage lines and vegetation as far as practicable and revegetate as per WSUD recommendations to preserve ecological values of the surrounding environment.
 - iii. Ensure to follow best practices for WSUD, promoting environmental sustainability, water conservation, and resilience to climate change impacts.

Noise:

- j) The Noise Management Plan titled "Residential Facility associated with Retirement Village Development at Federal Golf Club", revision 2, dated 27 May 2024, prepared by WSP is endorsed by the EPA on the basis all assumptions and recommendations included in the report must be incorporated into the final building construction and design.
- k) The above Noise Management Plan must be included in the approved plans stamped by the ACT Planning & Land Authority to ensure all recommendations and assumptions included in the document are confirmed and signed off by the building certifier prior to a certificate of occupancy and use being issued.

For further information please contact the Environment Protection Authority Planning Liaison at EPAPanningLiaison@act.gov.au.

7. CONSERVATOR OF FLORA AND FAUNA

Eastern Grey Kangaroo:

- a) The proponent shall liaise with the Conservator of Flora and Fauna (macropod management staff) to discuss the ongoing management of mitigation measures on the site in relation to kangaroos and proposed developments prior, during and post construction. The advice will be incorporated into the registered village rules under the Retirement Village Act.

Trees:

- b) The Territory Plan Variation (384) requires a tree assessment and nomination of suitable trees to the ACT Tree Register. While the Conservator has confirmed that the assessment of the trees against the relevant criteria and formal nomination is appropriately noted, The completion of this nomination process must be completed prior the occupancy certification.

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Environment Significance Opinion:

- c) The proposal must proceed in accordance with the approved Environment Significance Opinion (ESO) for the site throughout (prior, during and post) construction, this includes relevant mitigation measures as outlined. Conditions in the ESO aim to reduce the impacts of the development by:
- Retention and maintenance of connectivity corridors around the southern, eastern and western edges of the Federal Golf Course;
 - Additional plantings to reduce canopy gaps around the proposed road alignment;
 - Salvage and relocation of removed hollows with follow up monitoring;
 - Avoidance of tree clearing during Gang-gang and Superb Parrot breeding periods;
 - Additional landscaping to enhance Superb Parrot foraging habitat, and replanting of removed endemic trees at a ratio of 10:1 and
 - Weed management to prevent further habitat degradation.

The ESO was granted subject to the following conditions made under s138AB(4) of the Act:

1. Options to enhance connectivity values between the FGC and the Hughes Garran Woodlands and Goble Park must be investigated to best inform the Estate Development Plan, as these are key regional linkages.
2. Any modifications to Kitchener Street resulting from the development of access roads for the new development must consider opportunities to enhance wildlife crossing infrastructure between Red Hill, the FGC and Hughes Garran Woodland. Examples of this infrastructure may include large vegetated culverts with appropriate habitat structures in place to facilitate movement by a range of terrestrial wildlife species; and possum and glider crossing poles and wires above the road.

Refer to the approved ESO dated 12 October 2022, the applicant/Lessee must liaise with the Conservator prior to any future amendments and ensure the development complies with the approved ESO at all times.

8. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

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

Driveways / Verge Crossings:

- a) The driveway must be designed and constructed in accordance with TCCS MIS Design Standards.
- b) The levels on the verge must not be altered as a result of the new constructed driveway.
- c) Any infrastructure assets such as street lighting, mini-pillars, eg, etc, must be a minimum of 1.5m away from the closest edge of the driveway. In the case of stormwater sumps this minimum distance is 1.2m.
- d) Any significant changes to verge design may need to be reviewed by TCCS as part of an DA amendment.

Pedestrian Network:

- e) The pedestrian walkway / footpath must take precedence over the driveway.
- f) All verge protective fencing (LMPP) must be placed in a way such that the verge is protected but access to the pedestrian network is maintained at all times.
- g) Adequate clearance must be provided for pedestrian walkway / footpath in accordance with the TCCS MIS Design Standards.
- h) The proposed path links to the existing pedestrian networks must be installed in accordance with TCCS drawing ACTSD-0501 which requires 100mm thick concrete with SL82 centrally placed reinforcement. The paths must be appropriately jointed to the existing pedestrian path subject to Design Review approval. The path connections remain the responsibility of the developer.

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LMPP / Street Trees:

- i) There must be no storage of materials or parking on the verge during construction.

Stormwater:

- j) Only one stormwater tie must be used for all the developments within a single block. Subdivision of a block will require a separate tie for each newly created blocks.
- k) The applicant will need to submit updated plans at the Design Review (DR) stage.

Traffic:

- l) In reviewing the updated TIA prepared by GHD dated 27 May 2024, the sight distance checks identify inadequate sight distance at Kitchener Street, given the crest in the road. Speed cushions are proposed to slow vehicles along Kitchener Street.
- m) TCDs to be reviewed further at Design Review (DR) stage, which include signage warning drivers of the upcoming speed cushions.

Waste:

- n) TCCS does not collect any commercial waste; however, the applicant will need to provide the Waste and Recycling Management Plan (WRMP) and all the mandatory documentation as part of the next submission at the Design Review (DR) stage.
- o) All commercial waste must be stored, transferred, and collected onsite by a commercial contractor.

Streetlight:

- p) Existing streetlights must be a minimum of 1.5m from the edge of any driveway within the verge.
- q) A Letter of Design Review must be obtained if there any relocation of street light.
- r) If the existing 4.5m high (concrete) streetlight footing is damaged during construction then the column must be replaced with a 6.5m high tapered galvanised column with 1.5m outreach and LED luminaire in accordance with TCCS MIS Design Standards. The new streetlight column must be located 1.5m (min) from the edge of the new driveway.

A letter of response and updated plans / documents must be provided in the next submission to TCCS Design Review.

This project must undergo Design Review. Therefore, the following Standard Conditions included with this decision will apply;

TCCS STANDARD CONDITIONS

The following general conditions will apply, as appropriate, for the Works and use of Territory land and potential impacts on TCCS services in addition to any specific conditions imposed in the DA Notice of Decision. In accordance with the Public Unleased Land Act 2013 no Works are to be undertaken without the approval of the TCCS. Such approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch by the ways of a Letter of Early Works Approval, or a Letter of Design Review prior to the commencement of any Works.

Design Review generally applies to a residential development of more than 3 dwellings or any commercial or industrial developments or subdivision of any block requiring a new stormwater tie. Early Works approvals are required if the applicant wishes to expedite the process for this category of development ahead of the Design Review process.

Early Works Approval

Early works typically include site preparation and establishment, implementation of temporary traffic management plan and landscape management and protection plan and earthworks / excavations. Early Works do not include any building works or offsite works.

Fees and charges will apply for Early Works Approval as per TCCS "GEN-06 - Submissions and Inspections Guideline Principles and Related Fees and Charges for TCCS and Industry".

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Design Review

In order to obtain the Letter of Design Review, fully detailed drawings (civil, landscape) prepared by suitably qualified persons for all off-site works including roads, driveways, footpaths, street lighting, stormwater, landscaping (and any other issues that may be found by audit of the plans) and a design report in accordance with TCCS "REF-06 - Requirements for Design Review Submissions", must be certified by a Chartered Engineer/Registered Landscape Architect and submitted to the relevant Senior Director of the TCCS Development Coordination Branch.

Waste and Recycling Management Plan (WRMP) review

Unless a fully completed WRMP and mandatory submission documents (in accordance with 2019 Development Control Code for Best Practice Waste Management in the ACT) have been submitted and endorsed by TCCS at the DA stage, then noncompliance will not be supported. A performance-based-application can only be considered if a pre-application meeting is held (before a DA is submitted) and TCCS provides the Applicant with a letter of endorsement which is presented to EPSDD at the DA stage.

Operational Acceptance/Soft Landscape Consolidation Commencement

On completion of the Works, a Certificate of Operational Acceptance is required from the relevant Senior Director of the TCCS Development Coordination Branch, prior to the issuance of a Certificate of Occupancy.

Where required, a Certificate of Soft Landscape Consolidation Commencement must also be obtained from the relevant Senior Director of the TCCS Development Coordination Branch for the placement of soft landscape works on consolidation.

A Chartered Engineer/Registered Landscape Architect must certify compliance with TCCS "REF 08 - Requirements for Works as Executed Quality Records Requirements" when the request for Operational Acceptance and/or Consolidation Commencement is made to the relevant Senior Director of the TCCS Development Coordination Branch on completion of all Works.

Final Acceptance/Soft Landscape Handover

A Certificate of Final Acceptance for all civil and hard landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Defects Liability Period (DLP) as noted in the Certificate of Operational Acceptance.

A Certificate of Soft Landscape Handover for all soft landscape works must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch at the end of the required Consolidation Period as noted in the Certificate of Consolidation Commencement.

Temporary Traffic Management (TTM)

A TTM plan approval from the Manager of TCCS Traffic Management & Safety, Roads ACT, must be obtained prior to commencement of Works. This plan must be prepared by a suitably qualified person and address, as a minimum, measures to be employed at all times during construction activities to manage all traffic, including construction and regular traffic in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated temporary traffic control devices.

Landscape Management & Protection Plan (LMPP)

LMPP approval must be obtained from the relevant Senior Director of the TCCS Development Coordination Branch or the delegated authority. During construction, all existing vegetation (trees, shrubs and grass) located within the verge and unleased Territory land immediately adjacent to the development must be managed, protected and maintained in accordance with the approved LMPP. This plan must be implemented before the commencement of any Works, including demolition on the site, and must be in accordance with TCCS "REF 04 - Requirements for the Protection of Public Landscape Assets Adjacent to Development Works".

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Use of verges or other unleased Territory land

In accordance with the Public Unleased Land Act 2013, road verges and other unleased Territory land must not be used for carrying out of Works, including storage of materials or waste, without prior approval from TCCS. If required, a license can be obtained from TCCS Licensing and Compliance.

Repair of damage to public assets

Before the Works commence TCCS must be notified of any existing damage to public assets via a Dilapidation Report. The applicant/lessee is held responsible for repairing any damage to ACT Government's assets, caused by the development activities, to the satisfaction of TCCS. If a Dilapidation Report is not provided, any pre-existing damage must also be repaired at the applicant/lessee's cost.

Notice of Commencement of construction

A Notice of Commencement for the Works within Unleased Territory Land must be submitted to TCCS one week prior to the commencement of Works. The notice must also include the confirmation of any protective measures installed in accordance with the approved LMPP and the programmed implementation of TTM.

TCCS Contact details for development related submissions

Email: tccs.dcdevelopmentcoordination@act.gov.au
Phone: 02 62070019

9. **ACT HERITAGE COUNCIL (THE COUNCIL)**

An 'Unanticipated Discovery Protocol' shall be included in the Construction Environmental Management Plan (CEMP) and shall include provisions for the assessment and management of any unexpected heritage discoveries during construction that is endorsed by the ACT Heritage Council.

10. **COMPLIANCE WITH ENTITY REQUIREMENTS**

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

- Emergency Services Authority (ESA);
- ICON Water;
- Evoenergy (Electricity);
- Evoenergy (Gas);

Copies of advice from the relevant entities are attached to the Notice of Decision and are relevant to this condition.

11. **WASTE MANAGEMENT – DURING CONSTRUCTION PHASE**

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

12. **LIGHTING**

The development to comply with *AS115.8 3.1 Pedestrian Lighting* and *AS 4282 Control of the Obtrusive Effects of Outdoor Lighting* and as shown in the lighting plans submitted with the application.

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13. SIGHTLINE

The mature height of plants and any structures within a right triangle formed on each side of the driveway, with dimensions of 2m along the front boundary and 2.5m from the front boundary along the edge of the driveway, shall not exceed 700mm (to comply with AS 2890.1).

14. SERVICES

Any service connections including, point of entry, meter boxes and gas meters, are to be located clear of areas approved for car parking space(s) to ensure these services do not reduce the minimum area of the parking spaces and/or restrict vehicular access.

ADVISORY NOTES

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

1. ASSOCIATED DEVELOPMENT APPLICATIONS

The applicant to consider all development applications, including the Environment Significance Opinion (ESO) associated with this site including any relevant conditions prior to any works commencing.

The applicant must ensure that any amendment, including any changes required by entities, is to be consistent across each separate application where relevant.

2. RELEASE OF APPROVED PLAN

Final stamped plans may not be released until all relevant conditions of the decision (including Leasing, s187 further Information, Entity non-compliance) are complied with to the satisfaction/at the discretion of the planning authority.

3. SIGNAGE

a) All signage installed at the site, including advertising signage and hoarding, should comply with the Australian Association of National Advertisers (AANA) Code of Ethics and the ACT Government's Hoarding Signage Advertising Guidelines available online at <https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/hoarding-signage-guidelines>

b) All directional signage must comply with the requirements of *AS1742.10 (1991) Manual of Uniform Traffic Control Devices – Pedestrian Control and Protection* and as shown in the lighting plans submitted with the application.

4. ENVIRONMENT AND SUSTAINABLE DEVELOPMENT DIRECTORATE – Climate change and energy

In August 2022 the ACT Government announced it is phasing out all new fossil fuel network gas connections in the ACT. A Regulation preventing new fossil fuel gas network connections is expected to come into effect by late 2023. To avoid the possibility of your development not being able to connect to the fossil fuel gas network upon completion, the development should be designed to be all-electric or constructed as 'electric ready'. Further information can be found at <https://www.planning.act.gov.au/build-buy-renovate/for-industry/industry-resources/electric-ready-buildings-information-for-developers> and www.energy.act.gov.au.

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PART B – REASONS FOR THE DECISION

The application was approved because based on the documentation and in the form modified by the imposed conditions it was considered to meet the relevant rules and criteria of the Territory Plan 2008 (version R290) and section 120 of the *Planning and Development Act 2007 (the Act)*.

The zone objectives of the PRZ2 Restricted Access, PRZ1 Urban open space and TSZ1 Transport have been considered, in particular greater consideration was given to the PRZ2 considering the location of the proposed development was found in this area. In general, the assessment found the development was not inconsistent with the zone objectives.

PRZ2 zone objectives (extract from territory plan)

- a) Accommodate facilities that will meet the recreational needs and demands of the community and are appropriately located for the potential users of the facility*
- b) Make provision for a range of sport and recreation facilities and users, whether in public or private ownership that may be commercial in nature*
- c) Ensure the amenity of adjoining development is not unacceptably affected by the operation of sport and recreation facilities, particularly in terms of noise, traffic, parking, privacy and outside lighting at night*
- d) Design and landscaping of development is to be compatible with the surrounding landscape*
- e) Provide safe pedestrian and cycling access to recreation facilities to promote active living.*

Zone objectives are one requirement to consider in making a decision under the Planning and Development Act 2007 and have been considered for this application. Zone objectives are not rule or criteria based and provide a high-level performance overview for the relevant zone, in this instance PRZ2 Restricted Access, and are not intended to be subject to individual assessment for a particular proposal.

The objectives for a zone set out the policy outcomes intended to be achieved by applying the applicable development table and code to a zone which are somewhat imbedded throughout the rules and criteria of the relevant Code/s to ensure the intent of the zone objectives are met and can be satisfied through performance-based measures. For example, zone objective 'a)' has been considered as rule 26 of the Red Hill Precinct Map and Code requires the proposal not to diminish an 18-hole golf course, the proposal includes works required to facilitate the ongoing sustainable operation of the 18-hole course and to ensure that the needs and demands of the community for recreation use remains met.

The assessment also considered the relevant rules relating to landscaping, ecological values, advice from the Conservator including the approved ESO and in particular DV384 with the Red Hill Precinct Map and Code. The proposal was deemed to provide consistency with the PRZ2 zone objectives, while any development is capable of some impacts either environmental, local infrastructure, traffic and the like, the proposal and assessment including conditions imposed in this decision aim to reduce these. On balance the development's impacts are supported.

The Red Hill Precinct Map and Code and ESO envisaged a retirement village within the investigation area as identified in the Precinct Code. R26 of the Precinct Code confirms this noting that it is a mandatory rule. While there is likely to be some interruption to the golf course, its users and habitat, all matters can be managed prior, during and post construction with a range of mitigation measure imposed. The proposed landscape plan and conditions of the ESO also ensures additional habitat and corridors for wildlife.

In addition to the above commentary, the main issues identified during the assessment were:

- The development proposal meeting the Territory Plan requirements, in particular the Garran Precinct Map and Code and the Red Hill Precinct Map and Code;

Of significance the Red Hill Precinct Map and Code was varied on 10 June 2023 as a result of Territory Plan variation 384. The variation implemented a key recommendation of the Red Hill Integrated Plan June 2021 and amends the Red Hill and Garran Precinct Maps and Codes to

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future development for a retirement village at the Federal Golf Course (Red Hill section 56 parts of block 1) with access off Kitchener Street (Garran section 10 block 76).

The variation also rezones approximately 10ha of land considered to be of high ecological value in the north-west portion of the site to NUZ3 hills ridges and buffer zone and includes this land in the Red Hill Nature Reserve.

The Red Hill Precinct Map and Code, in particular Rule 26, provides the key requirements for a 125-unit retirement village in the area identified in figure 7 of the Precinct Code. The assessment against this rule and the rules and criteria in RC2 of the Precinct Code in its entirety set the core assessment outcomes and the proposal was found to not be inconsistent with the Precinct Code.

- s144 Amendment – During the assessment of the DA, the Authority requested further information to address entity comments such as Transport Canberra, Evo Energy and Environment Protection Authority. The applicant provided an application under section 144 of the Act in response, amending the proposed development. This decision is based on the amended proposal.
- Issues raised in representations received. Items raised in representation discussed further in Part C below.
- Entity advice – Refer to conditions imposed in this decision and attachments.

Conditions have been imposed in regards the issues identified during assessment to ensure the development satisfies the Territory Plan, addresses assessment issues including relevant entity advice and generally follows standard process and practices.

All relevant conditions are included under **PART A** and entity advice is noted in **PART C**.

EVIDENCE

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

Development Application:	202342264 /s144B
Territory Plan Zones:	PRZ2, NUZ3, PRZ1, TSZ1, RZ1
Development Codes:	Parks and Recreation Zone Development Code, Non-Urban Zones Development Code, Transport and Services Zone Development Code, Residential Zones Development Code
Precinct Code:	Red Hill Precinct Map and Code, Garran Precinct Map and Code
General Codes:	Parking & Vehicular Access General Code, End of Trip Facilities General Code, Access and Mobility General Code, Signs General Code, Water Sensitive Urban Design (WSUD), Crime Prevention Through Environmental Design General Code
Crown Lease:	Volume 953 and Folio 33
Legislative requirements:	The <i>Planning Act 2023</i> including the transitional arrangements for DAs such as this made before its commencement. The <i>Planning and Development Act 2007</i> in particular sections 119 and 120
Representations and Entity advice:	As addressed in PART B and PART C of this Decision

PART A and **PART C** provide further details and considerations informing the reasons for the decision.

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PART C – PUBLIC NOTIFICATION AND ENTITY ADVICE

PUBLIC NOTIFICATION

Pursuant to Division 7.3.4 of the *Planning and Development Act 2007* (the Act), the application was publicly notified from 16 February 2024 to 20 March 2024. A total of 326 written representations were received during public notification period, including 9 late representations. Of the 326 Representations, 101 were in support with 225 against the proposed development.

s144B Further Information / Amendment: (NOT re-notified)

An amendment to the proposal was lodged with the authority on 21 June 2024. This amended application was not publicly notified due to the applicant addressing entity requirements and no major design changes for the proposed development that would affect the overall considerations for the development.

Pursuant to section 146(3) of the Act, the planning and land authority considered that no-one other than the applicant will be adversely affected by the amendments and the revised proposal would not increase the environmental impact. Consequently, the authority waived the requirement to publicly notify the amended application.

The issues raised in the representations were considered in the assessment and making of the decision for this development application. The main issues raised and Authority comments are noted in **Part B** and as follows:

Planning (amenity impact, adjoining residential impacts, bulk and scale)

The proposed development was found to be consistent with the Garran Precinct Map and Code and the Red Hill Precinct Map and Code which provides explicit area in figures and rule (R26) for a retirement village consisting of 125 units. The proposed seeks to utilise the area for the maximum 125 units and is consistent with the location and size identified in the Red Hill Precinct Code.

traffic (increased traffic and access, including waste trucks)

The application was referred to Transport Canberra and City Services (TCCS) whom are custodians of road networks and traffic management and have conditionally supported this application based off the supporting plans and documents submitted with the application including traffic reports.

In addition, the Garran Precinct Map and Code requires access via Kitchener Street with the proposal being consistent with PM&C.

The Kitchener St safety assessment and sightlines, including traffic calming measures, was included in the engineering drawings accompanying the application. Information regarding the traffic and supporting commentary can be found in the traffic report prepared by GHD and conditionally supported by TCCS with a range of conditions regarding Kitchener St. included in this Notice. The Authority did not identify any reasons to depart from the TCCS advice.

environmental (greenspace home to wildlife such as kangaroos, loss of trees and public access/ open space)

The proposal was accompanied with an approved Environment Significance Opinion (ESO) and it was determined that if the works are undertaken in a manner consistent with this Notice and the approved ESO including the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact. The Conservator was referred

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the Development application and confirmed that the proposed development is not likely to cause a significant impact on threatened species.

It is noted that tree removal has been proposed with this application for the removal of 358 trees. While the Tree Act 2005 does not apply to this site as the site is not declared or identified in the Notifiable Instrument '*Tree Protection (Built-up Urban Area's) Declaration 2021*' close consideration was undertaken including discussions in the Authorities internal meetings Assessment Advisory Panel and Landscape Review Panel.

The Authority's panel noted many trees, approximately 249, would not meet the criteria of a 'regulated tree' if the Tree Act 2005 was applicable. Further the planting palette is almost exclusively native, with 579 trees proposed to be planted and maintained as part of the proposal. Additionally, 10.4ha from the north-western area of the site is proposed to be incorporated into Red Hill Nature Reserve as it contains significant ecological values including Box Gum Woodland and Gang-gang nesting trees. This and in conjunction with the ESO and the Conservators advice it was considered the location and size was consistent with the Red Hill Precinct Map and Code and unlikely to have significant impact on threatened species.

The Territory Plan requires a minimum 50m setback to adjoining homes to address concerns about wildlife movement and open space connectivity. The proposed design exceeds these setbacks, being typically 100m or more, and retains the existing golf holes and adjoining trees bordering the residential areas.

other (financial, lease agreements.)

Financial matters are not subject to Territory Plan assessment and not considered as a planning matter.

In this context it is noted that the lease/lease agreements are subject to a separate development application DA20234225 which proposes a variation to the Crown lease for the subdivision of Block 1 Section 56 Division of Red Hill into two (2) parcels, to vary that lease to include a drainage easement and for the erection of an information sign.

Changes to the Crown lease do not commence until documents giving effect to the variation are registered at Land Titles, Access Canberra. Registration must occur before the expiry of this approval.

Please refer to **PART B** – 'Reasons for the Decision' for further clarification.

ENTITY ADVICE and REQUIREMENTS

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

A summary of entity comments can be found below.

1. TRANSPORT CANBERRA AND CITY SERVICES (TCCS)

TCCS provided initial advice stating that the proposal is not supported and requires further information.

S144B - the amended application was re-referred to TCCS who provided advice stating that the proposal is not yet supported and still requires further information. On 25 September, TCCS provided advice stating that the proposal is now supported subject to conditions.

Please refer to **PART A** for conditions consistent with the TCCS advice.

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2. ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

EPA provided initial advice stating that further information/amendment is required.

S144B – the amended application was re-referred to EPA who provided advice stating that the EPA does not approve of the site being used for other purposes until such time as a detailed site investigation has been conducted and the resulting report confirms the site's suitability for the proposed uses.

Please refer to **PART A** for conditions consistent with the EPA advice.

3. CONSERVATOR OF FLORA AND FAUNA (TREE PROTECTION UNIT) (the Conservator)

The Conservator provided initial advice stating that:

Landscaping

Drawing LSCAPE-202342264-PALETTE-03 proposes to use *Acacia boormanii* and *Eucalyptus leucoxylon* for landscape purposes. These species are not indigenous to the local area and present a minor weed threat to local reserves. It would be appreciated if the proponent suggested local native as an alternative to these species.

Trees

The Territory Plan Variation (384) required a tree assessment and nomination of suitable trees to the ACT Tree Register. The proponent has indicated that "the tree assessment prepared by the project Arborist identifies all trees not proposed for removal that are eligible for nomination under the Tree Protection Act (2005). Consultation with the Conservator has confirmed that the assessment of the trees against the relevant criteria and formal nomination is appropriately conditioned in any consent to occur prior to the first occupation certificate". The completion of this nomination process, prior the occupancy certification, should be a condition of the DA.

The demolition plans need to be revised to clearly and explicitly show the location of nest trees that are being retained.

Eastern Grey Kangaroos

- There is a large Eastern Grey Kangaroo population that resides on Federal Golf Course. This development will displace kangaroos and may result in negative welfare impacts to kangaroos and people, and an increase in grazing pressure on the rest of the golf course and in the nearby Red Hill Nature Reserve. These impacts, which may occur during and after construction, need to be considered and mitigated.
- The Eastern Grey Kangaroo Controlled Native Species Plan (2017) <https://www.legislation.act.gov.au/di/2017-37> states that managing kangaroo welfare will be included in planning for greenfield development sites and kangaroo populations will be managed to achieve grassland target densities in areas that adjoin high conservation grassy ecosystems. This management includes the consideration of culling where it is preferable to having kangaroos subject to trauma (e.g. road collisions, dog attacks, starvation) or where there are detrimental impacts on adjacent conservation land (pages 50-51).
- It is not possible to know exactly how many kangaroos will be displaced by this development. Over 200 kangaroos are regularly seen on the golf course (a more accurate population estimate will be available later in March). Kangaroos will be displaced from the development footprint in the long-term, but they may be displaced from a larger area during construction due to the construction noise and activity.
- If kangaroos flee the area in response to the construction activity, this may result in increased vehicle collisions with kangaroos on nearby roads or increased dog attacks in the nearby suburbs. Mitigation measures, such as the use of fencing, should be implemented to reduce these risks and encourage kangaroos into move to safer areas of the site.
- The longer-term implications of increased kangaroo density and grazing pressure on the rest of the golf course and the surrounding nature reserve should be considered and planned for prior to the commencement of construction.
- Consideration should also be given to any management requirements related to having a kangaroo population residing close to the retirement village. This may include fencing &/or educating residents about not feeding kangaroos and how to behave around them.
- EPSDD macropod management staff would be happy to discuss these issues in more detail if required.

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S144B – the amended application was re-referred to the Conservator who provided advice stating that the proponent has adequately addressed all the Conservators comments on this DA, noting that discussions about the registering of trees (condition 7b) and kangaroo management are ongoing and advice received from ESPDD will be incorporated into the registered village rules under the Retirement Village Act (condition 7a)

4. ACT EMERGENCY SERVICES AGENCY (ACTESA)

The ACTESA provided advice stating that the proposal is supported subject to conditions.

A condition requiring the development to satisfy relevant entity requirements has been imposed in **PART A**. A copy of the ESA advice is attached to this Notice of Decision.

5. ICON WATER

Icon Water provided initial advice stating that the proposal is not accepted.

S144B – the amended application was re-referred to Icon Water who now supports the proposal subject to conditions.

A condition requiring the development to satisfy relevant entity requirements has been imposed in **PART A**. A copy of the Icon Water advice is attached to this Notice of Decision.

6. EVOENERGY (ELECTRICITY)

EvoEnergy (Electricity) provided initial advice stating that the proposal fails to comply.

S144B – the amended application was re-referred to EvoEnergy (Electricity) who now supports the proposal subject to conditions.

A condition requiring the development to satisfy relevant entity requirements has been imposed in **PART A**. A copy of the Evoenergy advice is attached to this Notice of Decision.

7. EVOENERGY (GAS)

EvoEnergy (Gas) provided advice stating that the proposal is supported subject to conditions.

A condition requiring the development to satisfy relevant entity requirements has been imposed in **PART A**. A copy of the EvoEnergy (Gas) advice is attached to this Notice of Decision.

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ATTACHMENT 1

ADMINISTRATIVE INFORMATION RELATING TO NOTICE OF DECISION

DATE THAT THIS APPROVAL TAKES EFFECT

Unless a condition of approval provides for otherwise, this approval takes effect 20 working days after the day this notice of decision is given to every person who made a representation on the application. The effective date for development applications approved subject to conditions may also be adjusted if the approval is reconsidered by the planning and land authority or if an application is made to the ACT Civil and Administrative Tribunal.

Pursuant to section 184 of the *Planning and Development Act 2007 (Act)*, this approval will expire if:

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

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

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

Chapter 20 of the *Planning Act 2023 (Planning Act)* includes various transitional arrangements for Development Applications, such as this, made prior to its commencement which may be applicable to your development proposal. Further information on the transitional arrangements, and how this may affect your DA, can be found under the Planning Act on the ACT legislation register at <https://legislation.act.gov.au/a/2023-18/>

Inspection of the Application and Decision

A copy of the application and the decision can be inspected between 9.00am and 4:00pm weekdays at the Environment, Planning and Sustainable Development Directorate Dickson Customer Service Centre at 480 Northbourne Avenue, Dickson, ACT.

Submission of revised drawings or documentation

If a condition of approval requires the applicant to lodge revised drawings and / or documentation with the planning and land authority for approval pursuant to section 187 of the Act, the submission must be made by completing an application in e-development.

Reconsideration of the Decision

If the DA applicant is not satisfied with the decision made by the planning and land authority, they are entitled to apply to the planning and land authority for reconsideration within 20 working days of being told of this decision pursuant to section 191 of the Act. A longer timeframe may apply only if granted in writing by the planning and land authority pursuant to section s191(5)(b) of the Act.

More information is available online at <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.

Please contact Access Canberra Customer Services if you wish to lodge a reconsideration application.

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Review by the ACT Civil and Administrative Tribunal (ACAT)

1. Decisions that are reviewable (sometimes referred to as appeals) by the ACAT are identified in Schedule 1 of the *Act*, except for matters that are exempted under Schedule 3 of the *Planning and Development Regulation 2008* (matters exempt from third party review).
2. The notice of decision and this advice have been sent to all people who made a representation in relation to the application.
3. The ACAT is an independent body. It can review a large number of decisions made by ACT Government ministers, officials and statutory authorities on their merits. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.
4. More information on appeal rights is available online at <https://www.planning.act.gov.au/build-buy-renovate/build-buy-or-renovate/approvals/development-applications/appeal-a-da-decision>.
5. The ability to review the Authority's decision is a matter of law. **If** you think you have a right of review, you may apply to the ACAT for a review of the decision. Application forms can be obtained from the ACAT at the website listed below. You can also download the form from the ACT Legislation Register. It is recommended you seek independent advice in regards to such reviews eg a legal practitioner.
6. If you are applying on behalf of an organisation or association, whether incorporated or not, the Tribunal in deciding whether to support this application will consider the effect of the decision being reviewed on the interests of the organisation or association in terms of its objects or purposes. A copy of the relevant documents will be required to be lodged with the Tribunal.
7. The time limit to make a request for a review is 28 days from the date of this notice of decision. The time limit can be extended in some circumstances (refer to sections 10 (2), 10(3), 25(1)(e) and 25(2) of the *ACT Civil & Administrative Tribunal Act 2008*; and rule 38 of the *ACT Civil and Administrative Tribunal Procedures Rules 2020*).
8. Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Applications should be made in writing to: the Director General, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. You can ask the ACAT for more details.
9. The ACAT is required to decide appeals in land and planning and tree protection cases within 120 days after the lodging of the appeal, unless that period is extended by the ACAT upon it being satisfied that it is in the interests of justice to do so.
10. The following organisations may be able to provide you with advice and assistance if you are eligible:
 - ACT Law Society, telephone 6274 0300ACT
 - Legal Aid Office, telephone 1300 654 314
 - ACT Council of the Ageing, telephone 02 6154 9740
 - Welfare Rights Centre, telephone 1800 226 028
 - Environmental Defender's Office (ACT), telephone 02 6243 3460.
11. You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party in the circumstances specified in s 48 of the *ACT Civil and Administrative Tribunal Act 2008*. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.

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12. You may apply for access to any documents you consider relevant to this decision under the ACT *Freedom of Information Act 2016*. Information about Freedom of information requests is available on the planning and land authority's web site at <https://www.environment.act.gov.au/about/access-government-information> or by contacting us by phone on 02 6207 1923.
13. The procedures of the ACAT are outlined on the ACAT's website, including in the Guide to the Land and Planning Division and the Guide to the Hearing. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

Review by the ACT Supreme Court

1. The Authority's decision may also be subject to judicial review by the ACT Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989* (ADJR Act).
2. Under the ADJR Act, an *eligible person* may make an application for review of a decision.
3. An *eligible person* must demonstrate that their interests are adversely affected by the decision and that the application raises a significant issue of public importance.
4. Section 5 of the ADJR Act sets out the grounds on which a decision can be reviewed.
5. The time limit to make an application for review is 28 days from the date the Notice of Decision is provided to the applicant and those people who made a representation.
6. The ACT Supreme Court is a costs jurisdiction where costs generally follow the event. This means that the unsuccessful party is required to pay the costs of the successful party.
7. For more information on ACT Supreme Court processes and fees, please visit <https://courts.act.gov.au/home>.

Other approvals

A notice of decision under the *Planning and Development Act 2007* grants development approval only. Other approvals may be required, including:

1. **Building Approval**
Most building work requires building approval under the *Building Act 2004* to ensure it complies with building laws such as the *Building Code of Australia*. The lessee should engage a private building certifier to determine whether building approval is required and assess and approve the building plans before construction commences. A list of certifiers can be obtained from the [Environment, Planning and Sustainable Development Directorate](#).
2. **Tree damaging activity approval**
A Tree Management Plan under the *Tree Protection Act 2005* is required for approval where it is proposed to undertake groundwork within the tree protection zone of a protected tree or likely to cause damage to, or remove, any trees defined as protected trees by that Act. More information is available from the Transport Canberra and City Services Directorate at <https://www.tccs.act.gov.au/city-living/trees>.
3. **Use of verges or other unleased Territory Land**
In accordance with the *Public Unleased Land Act 2013*, road verges and other unleased Territory land must not be used for the carrying out of works, including the storage of materials or waste, without prior approval of the Territory. More information is available from the Transport Canberra and City Services Directorate at <https://www.tccs.act.gov.au/city-living/public-land-use>.
4. **Works on unleased Territory Land**
In accordance with the *Public Unleased Land Act 2013*, no work can be undertaken on unleased Territory land without the approval of the Territory. Such approval must be obtained

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from the Senior Manager, Place Coordination and Planning, Transport Canberra and City Services Directorate by way of:

- (a) a certificate of design acceptance prior to the commencement of any work; and
- (b) a certificate of operational acceptance on completion of all works to be handed over to TCCS.

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

Contact details for relevant agencies

<p>ACT Civil and Administrative Tribunal Allara House 15 Constitution Avenue CANBERRA CITY ACT 2601 GPO Box 370, CANBERRA, ACT 2601</p>	<p>www.acat.act.gov.au tribunal@act.gov.au 02 6207 1740 02 6205 4855 (Fax)</p>
<p>ACT Supreme Court 4-6 Knowles Place, CANBERRA CITY ACT 2601 GPO Box 1548, CANBERRA CITY, ACT 2601</p>	<p>www.courts.act.gov.au 02 6205 0000</p>
<p>Environment, Planning and Sustainable Development Directorate 480 Northbourne Avenue DICKSON ACT 2602 GPO Box 158, CANBERRA 2601</p> <ul style="list-style-type: none"> • <i>Planning and land authority</i> <ul style="list-style-type: none"> - list of certifiers for building approval - demolition information - asbestos information • <i>Environment Protection Authority</i> <ul style="list-style-type: none"> - environment protection - water resources - Conservation, Planning and Research - threatened species/wildlife management • <i>WorkSafe ACT</i> <ul style="list-style-type: none"> - asbestos information • <i>ACT Heritage Council</i> <ul style="list-style-type: none"> - Aboriginal, historic and natural heritage management • <i>Tree Protection Unit</i> <ul style="list-style-type: none"> - <i>Development Applications (DA) issue:</i> - <i>Tree Damaging Activity Applications (TDAA) issue:</i> 	<p>www.planning.act.gov.au 02 6207 1923</p> <p>EPAPanningLiaison@act.gov.au 6207 5642</p> <p>worksafe@worksafe.act.gov.au 132 281</p> <p>www.environment.act.gov.au 132 281</p> <p>TCCS.TreeProtectionACTPLARef@act.gov.au</p> <p>TCCS.TreeProtection@Act.gov.au</p>
<p>Transport Canberra and City Services</p> <ul style="list-style-type: none"> • landscape management and protection plan approval • use of verges or other unleased Territory land • works on unleased Territory land - design acceptance 	<p>www.tccs.act.gov.au</p> <p>132 281</p> <p>02 6207 0019 (development coordination)</p>

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<ul style="list-style-type: none">• driveway inspections or building applications• damage to public assets	tccs.dcdevelopmentcoordination@act.gov.au
Health Directorate	www.health.act.gov.au hps@act.gov.au 02 5124 9700
Education Directorate	www.education.act.gov.au 02 6205 5429
Utilities <ul style="list-style-type: none">• Telstra (networks)• TransACT (networks)• Icon Water• Electricity reticulation	02 8576 9799 02 6229 8000 02 6248 3111 02 6293 5749

Translation and interpretation services

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

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

TRANSLATING AND INTERPRETING SERVICE

131 450

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

APPLICANT'S REASONS for APPLYING FOR REVIEW

DA202342264/s144B

Standing of the Applicants

1. The Applicant has standing to bring the review application in respect of Development Application 202342264/s144B (**DA**) (see s408A and s409 in conjunction with Item 4 of Schedule 1 to the *Planning and Development Act 2007* (ACT) (**PDA**)) because:
 - a. it made a representation under s156 of the PDA about the proposal (**Annexure A**); and
 - b. the approval of the development application may cause it to suffer material detriment (as that term is defined in s419 of the PDA).
2. Under s419 of the PDA, an entity that has objects or purposes is taken to suffer “material detriment” if the decision relates to a matter included in its objects or purposes.
3. The Applicant is incorporated under the *Associations Incorporation Act 1991* (ACT). Its objects or purposes under that Act (**Annexure B**) are to unite environmentalists, golfers, local residents, and other Canberra citizens to:
 - a. protect the unique habitat that exists for native wildlife and endangered species on and around Federal Golf Club;
 - b. preserve the fairways of Federal Golf Club for golf and other compatible recreation;
 - c. prevent residential development on any fairways or other green open space at Federal Golf Club; and
 - d. perpetuate the public right of access to the whole golf course granted to the community under the original crown lease.
4. The decision relates to a matter included in the Applicant's objects because
 - a. the decision purports to approve residential development (in the form of a retirement village) on the fairways and other green open space at the Federal Golf Club and otherwise affects (by approving removal of trees) the habitat that exists for native wildlife on the site; and
 - b. those are matters that relate to matters included in the Applicant's objects (see paragraph 3 above).

Jurisdictional constraint (Gateway) provided for in s121(2) of the PDA

5. The decision purported to approve a development application in the “merit track.”
6. Section 121(2) of the PDA contains a jurisdictional constraint that affects the scope of the Tribunal's review in merit track matters. The Tribunal's approach to the jurisdictional constraint is reflected in *Noah's Ark*¹ and confirmed in the *Village Case*².

¹ *Noah's Ark Resource Centre Inc v ACTPLA* [2017] ACAT 44.

² *Village No 22 Pty Ltd v ACTPLA & Anor* [2021] ACAT 43.

7. The Applicant says that it satisfies that gateway test having regard to at least the following rules or criteria in the Territory Plan:

Red Hill Precinct Code

- a. Rule 26 of the Red Hill Precinct code relevantly prohibits a development of a retirement village from “diminishing” an 18 Hole Golf Course on the Site.
 - i. This rule is not met. The proposal diminishes the 18 Hole Golf Course on the Site by excising a large area comprising existing fairways 6 and 7 and attributing it to residential development instead.
- b. Rule 33 of the Red Hill Precinct Code (and the Access and Mobility General Code) requires the proponent to demonstrate that the development meets Australian Standard AS4299 for Adaptable Housing (Class C).
 - i. The material submitted by the proponent asserts - but does not demonstrate - that AS4299 is met in respect of the proposed development;
 - ii. The plans submitted to the Respondent do not demonstrate compliance with each of the requirements of AS4299;
 - iii. The report, dated 8 November 2023 of access consultant “Purely Access”, in support of the proposal asserts that the proposal is “*capable of*” complying with AS4299 in multiple respects (apparently on the basis that the consultant thought that demonstrating actual compliance is a matter for a subsequent Building Approval process). The report does not, however, demonstrate that the proposal actually complies with AS4299, as required by the Territory Plan; and
 - iv. Accordingly, it was not open to the Respondent to conclude that the rule has been met.

Parks and Recreation Zone Development Code/Community and Recreation Facilities Location General Code

- c. Criterion 11 of the Parks and Recreation Zone Development Code requires the development to meet the requirements of the Community and Recreation Facilities Location General Code (**CRFLGC**).
 - i. The proponent erroneously asserted (p72) of its ‘Statement Against Criteria’³ (**SAC**) that the CRFLGC “does not apply” to the proposal because a “retirement village is not classed as a Community and Recreation Facility”.
 - ii. That is wrong. “Retirement Village” is listed as a “Development” in the CRFLGC on page 27. The proposal must therefore meet the requirements (including all of the rule /criteria) of the CRFLGC.
 - iii. The proponent submitted no evidence that would enable the Respondent to be satisfied that any of the requirements of the CRFLGC are met.

³ Canberra Town Planning - Statement Against Criteria, dated February 2024.

Crime Prevention Through Environmental Design General Code

- d. Criterion 1 of the Crime Prevention Through Environmental Design General Code (**Crime Prevention Code**) requires the design to be in accordance with the recommendations of a crime risk assessment as outlined in the ACT Crime Prevention and Urban Design Resources Manual (**Manual**).
 - i. The proponent again asserts but does not demonstrate compliance. There is no evidence of any crime risk assessment performed in accordance with the Manual, or at all, as required by the relevant criterion.
- e. Rule 14 of the Crime Prevention Code requires there to be a statement that all directional signage will comply with the requirements of AS1742.10 (1991) Manual of Uniform Traffic Control Devices – Pedestrian Control and Protection.
 - i. The proponent merely asserts that the proposal is “capable of compliance”. There is no statement meeting the requirements of rule 14.
- f. Criteria 31-33 contain requirements for bus stops.
 - i. These criteria apply because there will be a bus stop on the site.
 - ii. The proponent has not even attempted to address these criteria.
 - iii. There is no evidence that the criteria are met.

Water Sensitive Urban Design General Code

- g. Rule 3 of the Water Sensitive Urban Design General Code contains certain requirements for on-site stormwater detention.
 - i. The proponent did not even assert that the rule was met – it merely stated what the rule required (SAC p98)

The Signs General Code

- h. Criterion 4 applies to the proposal but the proponent has not addressed it. There is no evidence that it is met.

Factors to be considered on merits review

- 8. Accordingly, the Applicant has satisfied the jurisdictional constraint in s121 of the PDA. This permits the Tribunal to conduct a general merits review of the decision having regard to the requirements of the PDA including:
 - a. the requirements of the codes in the Territory Plan (s119(1)(a)), including that:
 - i. The DA does not comply with the requirements of the Parking and Vehicular Access General Code (PVAGC). In particular, the Traffic Report submitted with the DA does not establish that the sight distance requirements in clause 2.3.2 of the PVAGC are met in relation to the

proposed property access point. The Applicants have since become aware that the consultant has conceded to TCCS that the sight distance requirements of the PVAGC are not met (this is reflected in evidence that will be tendered if required).

- b. the zone objectives (PDA s120(a)): it is not readily apparent how a retirement village is consistent with any of the zone objectives set out in the PRZ Development Table. No proper consideration seems to have been given to the zone objectives;
- c. the land is not suitable for a retirement village (s120(b) – there are multiple dimensions to this including safety and environmental considerations;
- d. the representations received opposing the DA - the Applicant relies on the matters raised in its own objection but will also rely on matters raised in any other representation will be relevant – unfortunately these have not been made publicly available on the Respondent's website and will presumably be disclosed in the T-documents;
- e. the probable impact of the proposed development – s120(h) - including environmental impacts (especially the destruction of trees and habitat). The Applicant will rely on evidence from the Conservator as well as expert evidence. No clear, coherent, definitive plans have been submitted to conclusively show what trees / habitat will be destroyed and the evidence will show that the proposed development will fragment critical roosting habitat for a variety of important species - including Sulphur-crested Cockatoos, Corellas (two species), Galahs, Rainbow Lorikeets and Gang-gangs, the ACT's wildlife emblem and a gazetted endangered species;
- f. the development proposal has been assessed in the wrong track. The impact track and not the merit track applies to the development.
 - i. the development table for the zone in which the proposed development exists lists “retirement village” as a “prohibited development”;
 - ii. the development table for the PRZ2 zone makes it clear that a prohibited development can only be permitted if the crown lease permits the use, *and* the development is assessed in the impact track;
 - iii. the proponent would therefore need to vary the crown lease to permit a retirement village and then apply to have the DA assessed in the impact track (and not the merit track);
 - iv. the fact that the Red Hill Precinct Code contemplates that a retirement village might be developed on the site does not alter the above analysis. A code in the Territory Plan does not trump a development table. The two must be read together. It means that a retirement village could exist on the site if it were assessed and approved in the correct track *after* the crown lease is varied to permit the use; and
 - v. this means that the Respondent was required to refuse the DA: see s114 of the PDA and Presidential Member McCarthy's comments in *Ginninderra Falls Association v ACTPLA* [2017] ACAT 108 at [88]

9. The above list is preliminary - and not exhaustive - because the Respondent has not provided a statement of reasons that complies with the requirements of s 170(3) of the PDA in conjunction with s179 of the *Legislation Act 2001 (ACT)*. There are incomplete findings on material questions of fact, and incomplete references to the evidence upon which the findings were based. The Applicant may raise additional grounds once it has obtained the T-Documents. This may be unnecessary, however, having regard to the fact that the Respondent has erred by assessing the DA against the PDA (as explained below).

Jurisdictional error

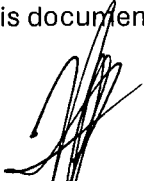
10. The Tribunal should set the decision aside because the Respondent purported to approve the application by applying the wrong legislation. It applied the PDA when it should have applied the *Planning Act 2023 (ACT)*.
11. The *Planning Act 2023 (ACT)* commenced on 27 November 2023 and applies to development applications submitted on or after that date.⁴
12. The Notice of Decision records that the DA was made on 9 February 2024⁵ and amended (purportedly under s144 of the PDA) on 21 June 2024.
13. Accordingly, the DA was to be assessed under the *Planning Act 2023 (ACT)* and not the PDA. This constitutes jurisdictional error. The appropriate course is for the Tribunal to set the decision aside on this basis alone.
14. If the Respondent asserts that the Notice of Decision incorrectly records the date by which the DA was made (for reasons not presently apparent), and evidence is admitted which establishes that the application was made prior to 27 November 2023, then the transitional provisions in s613(1) and (2) of the *Planning Act 2023 (ACT)* apply. The application of those provisions in those circumstances might mean that the repealed PDA does apply to this development application.
15. However, and critically, the DA was amended on 21 June 2024.
16. Under the transitional provision in s613(3) of the *Planning Act 2023 (ACT)*, an application can only be amended and considered under the (repealed) PDA if the amendment application was submitted within 6 months of the commencement day (i.e. within 6 months after 27 November 2023).
17. The amendment application was not submitted within 6 months of the commencement day. It was submitted after that time - on 21 June 2024. Accordingly, even if the DA was originally submitted prior to the commencement of the *Planning Act 2023 (ACT)* (such that the PDA would apply), the application of the transitional provision in s613(3) requires the amended DA to be assessed under the *Planning Act 2023 (ACT)*.
18. Either way, the Respondent has applied the wrong Act. Its purported decision to approve the DA as amended on 21 June 2024 must be set aside.

⁴ See *Planning Commencement Notice 2023 (ACT)*.

⁵ The Respondent's DA tracking website also records that the DA was lodged on 9 February 2024.

19. If the Respondent contests paragraphs 10-18 above then it might be desirable to conduct a preliminary hearing on this discrete issue.

This document was prepared by J N Bird of Counsel

A handwritten signature in black ink, appearing to be 'Harry Kay', written over the printed name.

Harry Kay

Terracon Legal

Solicitor for the Applicant

13 December 2024



ANNEXURE "A"

TO: ACEPD Customer Services (ACEPDcustomerservices@act.gov.au)
FROM: Friends of Federal Fairways Inc.
DATE: 20 March 2024
RE: **Opposing Representation to DA202342264 – Proposal for Retirement Village**

Friends of Federal Fairways Inc (FOFF) is a not-for-profit community association incorporated in the Australian Capital Territory and operating under the *Associations Incorporation Act 1991*. Our objects are to unite environmentalists, golfers, local residents and other Canberra citizens to:

- **protect** the unique habitat for native wildlife and endangered species that exists on and around Federal Golf Club;
- **preserve** the fairways of Federal Golf Club for golf and other compatible recreation;
- **prevent** residential development on any fairways or other green open space at Federal Golf Club; and
- **perpetuate** the public right of access to the whole golf course granted to the community under the original crown lease.

FOFF submits this representation opposing DA202342264. Our reasons are outlined below and in the detailed review against the *ACT Planning and Development Act 2007* and relevant Codes of the Territory Plan undertaken by a qualified, registered Planner, attached at Annexure A.

Incorrect Notification

The DA was notified under Block 10 Section 76 Garran not Block 1 Section 56 Red Hill. The majority of the works are proposed to occur on Block 1 Section 56 Red Hill and only the temporary construction road is located on the Garran Block.

Invalid Letter of Authorisation

The Lessee of Block 1 Section 56 Red Hill is Federal Golf Club. The Letter of Authorisation (202342264-04) includes a Lessee Declaration signed on 2 November 2023 by the (then) President of the Club Richard Bialkowski. Under the Club's Constitution the proposed development must be approved by the Members. The Members have not voted to approve this development. Mr Bialkowski had no authority to sign the Lessee Declaration for the development application and therefore the Letter of Authorisation is invalid. Without a valid Letter of Authorisation, the application should be refused.

Overdevelopment of the Site

The limit of 125 units was approved in the Territory Plan Variation 384. While the TPV did allow the number of units, the configuration through the current site with 77 dwelling houses and 6 apartment buildings with 48 apartments provides a significant difference to 125 individual dwelling units.

The density proposed contradicts the principles of sustainable development. It will add significantly to the heat island effect and at the same time remove the cooling effect of the significant stands of trees. The number of units and close proximity of the houses will reduce airflow requiring constant mechanical ventilation. This location at the lowest point of the golf course is well known as a frosty hollow which will be very cold and damp in winter, increasing consumption of power for heating and thus costs to residents. As well, the constant watering of the surrounding golf course will create a humid microclimate which will require additional use of air conditioning to prevent mould and damp inside dwellings.

The close proximity of houses may impede natural airflow, necessitating continuous mechanical ventilation systems, thus increasing energy consumption.

Unsuitable Location for a Retirement Village

The use of retirement village was approved in the Territory Plan Variation 384. Although the TPV did allow the use, limited local amenity brings issues for the residents' comfort and convenience.

The length of the access drive into the retirement village does not facilitate walking to local amenities. The amenities such as super markets are located far away from the development and not conducive to walking to.

The closest full service supermarkets are in Woden roughly 3km away from the closest dwelling within the retirement village to the access road. The IGA is in Lyons roughly 4km away. The closest local shops are in Garran roughly 1.4km away. While comfortable driving distances, it forces residents to use cars, or pay for transport.

The SAC states that the January 2013 report prepared for the FGC by A T Adams Consulting Pty Ltd (upon which the FGC has relied to embark upon the process leading to this application) concluded that the most viable option to preserve the future viability of the Club was to pursue the development of an '*integrated and complementary*' retirement community on an area of land within the FGC. This application fails to meet this threshold as the village development is neither integrated nor complementary.

This application counters evidence on aged friendly societies. It does not uphold the principles of the World Health Organisation's (WHO) Age-friendly Cities Framework and contravenes the ACT Government's own Age-Friendly City Plan. Also, it services a high SES population rather than low SES and therefore perpetuates inequity in older age.

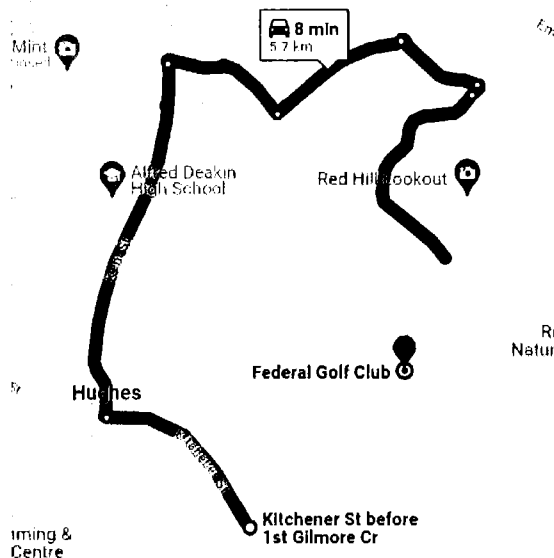
The location of the proposed development surrounded by golf fairways poses significant safety issues. Although the FGC and its golf architects may claim otherwise, it will be impossible to prevent golf balls (missiles) from entering the residential area, potentially causing injury and even death to persons and damage to property. It will also be impossible to prevent golf balls striking vehicles and pedestrians on the proposed entry road behind the new 3rd green. With no fencing it will also be impossible to keep the kangaroos from entering the village and straying onto the road which poses a further safety risk for vehicular traffic.

Inaccurate and Incomplete Information

The following paragraphs outline procedural issues and deficiencies with the application:

Friends of Federal Fairways

- The Statement Against Criteria (SAC) states that the retirement village will integrate into the Federal Golf Club. This is not accurate. There is no access given from the retirement village to the golf course and therefore it is an island surrounded by an inaccessible golf course. There is an 8-minute, 5.7km drive required to access the golf clubhouse through the suburbs further illustrating the non-integration of the development to the golf club. This is not including the circa 300m proposed internal driveway from Kitchener Street.



- The e-development application form has ticked that 'crime prevention through environmental design' is not applicable. The use of retirement village does require response to the CPTED code. While the SAC includes a response, the DA form is incorrect and should be amended.
- The e-development application form has ticked that 'Parking (car) and Parking (bike)' are not applicable with this application. The use of retirement village does require response to the Parking Code. While the SAC does include a response, the DA form is incorrect and should be amended.
- Form 4 (Letter of Authorisation) should also include Kitchener Street itself not Block 76 Section 10 Garran signed by TCCS. The current form 4 Letters of Authorisation only cover Block 1 S56 Red Hill and Block 76 Section 10 Garran. There are significant works occurring within the carriageway of Kitchener Street for which there is no specific Form 4. There should be a separate form 4 for Kitchener Street and verges signed by TCCS.
- The Environmental Report by Umwelt figure 4.1 page 14 has incorrect boundaries showing the extent of the works of the full residential village and access road. To ensure Umwelt has assessed the maximum extent of works, the civil and architectural plans should be checked against the plans within the environmental report.
- The Demolition Plan Sheet 1 (12576143-C315) is incorrect and shows trees that will be demolished as remaining. The plans should be consistent across the drawing packages

within this DA. The lack of consistency across the tree management plans and demolition plans requires careful analysis to ensure the correct trees are earmarked for removal.

- The responses in the SAC to the Crime Prevention Through Environmental Design General Code do not respond to the criteria. The level of detail in the responses to the CPTED criteria is lacking thorough assessment. CPTED principles are important to ensure new development is safe and secure for residents, visitors and staff within the complex. The responses should respond to each element in the CPTED criteria.
- C31 to C33 of the Crime Prevention Through Environmental Design General Code have not been responded to. Bus stop upgrades are being proposed in this development application and therefore these criteria require a response.
- The Signs General Code response in the SAC is not complete. The general code response in the SAC is blank in the response column for Criteria 4 of the Code, which is the most comprehensive response required for signs within the code.
- R3 of the Waterways: Water sensitive urban design general code is not responded to. The given response is a copy of the rule and not a response to the rule. A confirmation or other response to the rule should be provided.

Traffic Safety and Congestion Impacts Underestimated

The traffic report is simplistic and shows no insight as to the possible adverse impacts and otherwise, with no comprehensive and convincing case in support of the proposal. It simply concludes that there will be *'negligible impact on the adjoining road network'*.

Aging populations are not stagnant populations. The traffic generation rates are low given the isolated location of the retirement village. With aging populations, people are more likely to use their cars for incidental trips - especially with the lack of local, walkable shops in the vicinity. As well, while the development is characterised as a retirement village, many people over 55 are still working either full or part time, requiring access and egress to places of employment during peak traffic periods. With Kitchener Street already at capacity during commuter peak periods, there will be additional pressure on the road network created by the development.

The traffic assessment was undertaken for only one week during a period which could be regarded as atypical. Re-testing of the road network should occur on weeks not impacted by surrounding public holidays to have 'typical' counts. Further, given the proximity of local schools, peak times in this location must be extended to consider school drop off and pick up times.

The traffic report has not adequately assessed the development on its current and future impacts. The traffic report simply states that *'the impacts of the retirement village on road safety is expected to be negligible'*. The road geometry, particularly noting the location near a crest on Kitchener Street, has not been interrogated in relation to the augmentation of the new driveway, its interface with Kitchener Street and related works including bus stops and pedestrian islands and should be investigated in a new Traffic Assessment.

Parking in the application is limited and the provision for visitors parking seems particularly constrained. Given that there will be no parking allowed along the access road from Kitchener

Street, overflow parking will necessarily occur on Kitchener Street reducing visibility and adding to congestion.

New Roundabout/Turning Circle Not Previously Advised

This application includes a large roundabout/turning circle on the road between the golf club land and Kitchener Street, which has been added since the pre-DA public consultation material was released. This additional infrastructure will result in the loss of further trees and add to the traffic noise and light pollution inflicted on neighbouring residents. This roundabout/turning circle should be removed and restored to the same width as the rest of the road. Vehicles turning into the village road off Kitchener Street by mistake can use the scout hall driveway and carpark to turn around. Vehicles such as garbage trucks servicing the village should be required to keep their routes wholly within the boundary of the village during their pick-ups and not use the access road for turning purposes. If the waste management process cannot be undertaken wholly within the village then the plans should be re-designed to accommodate this and not utilise the external road.

Deadline Not Met for Assessment Under the *Planning and Development Act 2007*

The deadline for submitting development applications for assessment under the old planning system was 27 November 2023. We understand there is an interim provision for applications that were 'substantially submitted' prior to the 27 November deadline to still be assessed under the old system. However, the lodgement date of this application is 9 February 2024, well after the deadline, posing the possibility that the application was not 'substantially submitted' prior to 27 November 2023.

Critically, the SAC was created on the 2nd of February 2024, (the meta data of the document shows this date), well after the cut-off date for assessment under the old planning system. The SAC is a key planning document that should have been ready with the entire application prior to 27 November 2023.

If this application was not 'substantially submitted' prior to 27 November 2023, a new application will need to be submitted under the new planning system.

Inadequate and Inconsistent Representation of Tree Impacts

Tree removal plans are not consistent across the demolition DA and this design and siting DA. The tree removal portion of this application is vast and hard to discern which makes assessment difficult. There should be a single clear plan showing all trees to be removed and the reasoning and which DA they refer to; there is a high number of interdependencies across the applications but no plan showing the 'complete story' of the tree removal.

Trees to be retained but located on the margins of the development footprint will be impacted but this is not documented anywhere in the DA. Nor is the method of land clearing documented. Depending on the methodologies used for removing trees and locating underground services and utilities adjacent trees are more likely to be compromised. Plans should accurately indicate trees whose root systems will be impacted by underground works. It should be a requirement that all trees 15 metres or less inside the boundary of the development footprint are removed individually by a qualified arborist so as not to disturb trees outside the demolition footprint which are to be retained. It should be a further requirement that all services/utilities to be located under retained

regulated trees are constructed at a minimum depth in accordance with depth recommendations relevant to each species and their expected root system to avoid collateral impact on these trees.

The lack of consistency and omissions across the documentation and demolition plans referencing trees requires careful analysis to ensure the correct trees are earmarked for removal and to accurately represent the number and type of trees impacted, including accurately assessing and documenting impacts on retained trees, so that the community is able to get a full picture of the extent and impact of potential tree removal/damage. Until such time as this is provided, the DA should be withheld.

Related Applications Not Yet Lodged

In the Statement Against Criteria (SAC) for DA202342252, the applicant describes the intended process as a series of interdependent development applications of which DA202342264 is one. There are several other inter-related DAs that are not all available for consideration yet. This fails to provide the community with the full picture of the consequences of these applications and denies the community the opportunity to interrogate the inter-relationships of the full suite of applications. This approach is unreasonable in relation to hindering the community's ability to make informed representations.

Concessional Status Not Yet Removed

The FGC lease is concessional; the concessional status is anticipated to be removed in a future DA (not yet lodged or notified at time of writing). There is the potential that the removal of the concessional status will not be supported by EPSDD. This application (DA202342264) should not be approved until such time as EPSDD approves the deconcessionalisation.

Further, the (future) deconcessionalisation DA necessarily involves a social impact assessment which should be submitted with the entire design, demolition and subdivision package to provide a holistic understanding of the whole application and development proposal. EPSDD should require that all DAs related to the development be lodged together so as not to hinder the community's ability to make informed representations.

Social Impact Not Assessed

The social cohesion of the Hughes and Garran communities has been sorely tested over many years vis a vis the FGC's attempts to develop its land. Indeed, there is great antipathy between the Club and many in the neighbouring community. There is no data which demonstrates evidence of majority community support for the development that is the subject of this application as required by the original 2017 Legislative Assembly motion, in spite of claims to the contrary.

In fact, the opposite is true. The community has consistently advised the ACT Government that it does not approve of residential development on the FGC. Previous petitions prove this, with the number of signatories outnumbering the total number of FGC Members. Both the Hughes Residents Association and the Garran Residents Association (which are community groups representative of a wide cross section of residents) publicly oppose this development.

No ethnographic survey has been included with the application.

Notwithstanding that a social impact assessment (SIA) is not required for this application through the Merit Track process, given the controversy surrounding the development and the intense public scrutiny, requiring a social impact assessment would be a reasonable pre-cautionary approach to providing EPSDD with the confidence to make a decision on this application.

Since the (future) deconcessionalisation DA will require a social impact assessment, it makes sense for EPSDD to wait at least until that SIA is in hand before determining the outcome of this application.

Many people make use of the public right of access onto the golf course and surrounds and it is a critical amenity used for recreation, exercise and mental well-being by the community. This development will diminish significantly the social value of the area, not only because of the village taking away the green open space, but also because the squeezing in of new fairways and greens in the consequential golf course re-design will dramatically reduce the area safely available to the community. As well, the condensing of traffic, roads, noise, light pollution, waste and vermin will all reduce the amenity of the area. That is a net loss to the community.

Compensation to Community for Loss of Land Unknown

In line with the loss of community amenity, given that the related applications have yet to be lodged (as at the time of writing), the Lease Variation Charge has not been notified. This is a significant factor for the community to weigh in considering this application. Without the full picture of the 'pros and cons' of the development for the community, the approach to lodge the DAs piecemeal is unreasonably hindering the community's ability to make an informed assessment.

Community Consultation Misrepresented

FGC and the applicant claim to have liaised widely with the community but this claim should be interrogated. Initially, they consulted with a very narrow group of residents whose views did not reflect those of the wider community. Once the project was decided, the FGC presented the development to the Garran Residents Association as a *fait accompli* with no opportunity for meaningful discussion or negotiation.

There is no evidence in this application that any feedback from any resident has changed any aspect of the development.

Environmental Impacts Understated

The application states the retirement village proposal at FGC will achieve excellent environmental outcomes for the community yet produces no data to demonstrate this claim.

While it is recognised the Umwelt is a respected operator in the environmental consulting field, the Environmental Report in this application is carefully crafted to highlight the 'least worst' aspects of the ecological impacts of the development and provides insufficient consideration of the irreversible damage to the local ecology and the wider impact on the regional ecology. For example, it frames the removal of 4.08 hectares of native vegetation and 17 hollow bearing trees in such a way as to

deliberately downplay the impact: “total impacts to native vegetation and HBTs [that] are less than included in the EPBC Referral and ESO.”

The information upon which the Commonwealth Department of the Environment concluded that the Environment Protection and Biodiversity Conservation (EPBC) Act was not triggered was referred by the applicant several years ago and well prior to the detailed design and siting plans that are the subject of this application. The information in that referral was incomplete and insufficient given the information in this application. The applicant should be required to re-submit the development as now proposed to the Commonwealth for an updated assessment prior to the application being approved.

With respect to the endangered Gang-gang Cockatoo (*Callocephalon fimbriatum*), the proximity of planned buildings in this application to known Gang-gang breeding sites is too close and a more precautionary approach with greater distance ought to be taken. Contrary to claims made in the application, the science of tracking Gang-gang nesting behaviours is very new and incomplete. Much of the ‘data’ and insight relies on unpublished views of a small group of citizen scientists who have been observing breeding habits for just a few years.

A previous assessment by the applicant’s environmental consultant (Umwelt Appendix A - Assessments of Significance, 8 April 2022, Page 21) concluded that *“it must be assumed that development in proximity to these trees will probably deter the breeding pair in the short term at least...However, it is unclear whether Gang-gang Cockatoo will still utilise the nest trees near the 6th and 7th fairways once the nearby residential development proceeds. There are many hollows within a few hundred metres of these trees that gang-gang cockatoo have in the past been observed inspecting or entering and it is possible that the pair(s) may move to another nearby hollow (M. Mulvaney, pers comm).”*

It must be remembered that this is an endangered species and the spatial distribution of known nesting sites suggests the proposed location for this application represents one of only eight clusters of breeding sites in the area (known breeding sites indicated by yellow dots on the image below). The lack of certainty around the species’ response to the development is evident in the use of words like “probably” and “possible” in the environmental reports. The Community Consultation Report also acknowledges it cannot be certain that there will be no impact on the Gang-gang breeding habits using these trees. Given the species’ endangered status, this uncertainty demands a more precautionary approach than is evident in this application. At a bare minimum, these nesting sites should be afforded the same exclusion zone of 50 metres as is being provided across the broader conservation corridor. Given the two known nesting trees sit on the boundary of the development footprint this would require minimal re-design.



As has been observed earlier in this representation, the wider tree removal plan is unclear. This application involves the destruction of irreplaceable old growth trees across an unacceptably large area. Australia is the only 'developed' country on the list of global deforestation hotspots. Another four hectares of vegetation removed is another bite out of our unique environment gone.

That notwithstanding, there is a lack of evidence in the application to demonstrate compliance with the Conservation Advice for *Callocephalon fimbriatum* which states that:

"When considering habitat loss, alteration, or degradation to habitat in any part of the Gang-gang Cockatoo's range, including in areas where the species 'may occur', surveys for occupancy at the appropriate times of year, and identifying preferred foraging species remain an important tool in refining the understanding of an area's relative importance for the Gang-gang Cockatoo. In addition, it is also important to note that Gang-gang Cockatoos opportunistically use areas depending on food availability. This means that birds may not utilise areas that constitute habitat critical to the survival in any one year. This pattern of habitat use means that in order to assess the relative importance of a local area or region for Gang-gang Cockatoos, species occurrence data must span a number of seasons and years, so as to capture the seasonal and inter-annual movements of the species."

In the absence of this evidence, the application should be refused.

Further, the applicant's Environment Report focusses on 'Gang-gang suitable hollows' for breeding and nesting, and does not adequately consider the value of trees for foraging and roosting. This is also relevant to wider parrot and cockatoo species.

In correspondence to the ACT Conservator of Flora and Fauna (dated 6 March 2024, attached at Annexure B), retired director of the CSIRO's Australian National Wildlife Collection and Past Honorary President of the International Ornithologists' Union, Dr Richard Schodde, states that:

Friends of Federal Fairways

Those wooded corridors and margins [on the golf course] are the primary roosting site for arguably the majority of Canberra's populations of cockatoos and lorikeets including Sulphur-crested Cockatoos, Corellas (two species), Galahs, Rainbow Lorikeets and Gang-gangs, the ACT's wildlife emblem and today a gazetted endangered species. Groups of Yellow-tailed Black Cockatoos also use the corridors for roosting from time to time...

The area is almost unique because all the conditions cockatoos like for roosting – stretches of close woodland, fringing open space and accessible water – are found together in this location. Those conditions are not common together at all, across our region.

If the planned development goes ahead at Federal in the proposed location, it will fragment the roost sites and make them un-usable, denying the cockatoos vital sleeping trees. Tree replanting won't work because it takes the trees 30-40 years of growth to mature sufficiently to serve as roosts – far too long. The likely end result would have a serious affect on Canberra's high profile parrot populations and add yet another cut to the thousands across the continent that are continuing to send too much of the nation's wildlife slowly down paths of extinction."

Whole Premise of the Application is Flawed

The Federal Golf Club suffers from a systemic failure to manage its finances effectively. This application relates to a development which is seen as a panacea to its failed business model. It is currently not visible that the FGC Board plans to make any changes to what is clearly an unsustainable business model. The Board has resisted any suggestions that it consider changes to its business model. As a result, the one-off windfall gain (derived from the development that is the subject of this application) will be a short-term band-aid solution. This will inevitably result in further applications for expanded development when the club runs out of money again. The community should not be asked to sustain an organisation that refuses to manage its finances appropriately. At the very least, the Club should be required to submit a business plan that outlines its trajectory for sustainability into the future.

The Board's claims about the reasons for its parlous financial state are not supported by the Club's own data. The Board claimed in 2022 that the Club needed about 100 megalitres (ML) of water in an average year, whereas the Club's own data reveals the actual need to be around 80ML. The 20ML is worth about \$100,000 annually, almost as great as the Club's average loss of about \$120,000 in the six years prior. This overstatement of water needs enabled the (then) President to maintain that "This results in a high operating cost structure which has impacted on FGC financially over many years." The Club has repeatedly claimed that it is on the verge of collapse because of the crippling cost of water. In fact, water accounts for only about 3% of total costs on average.

The Club's narrative around the crippling cost of water being its nemesis has recently changed. In a circular to Members and local residents the Club responded to the fact that its finances have not been well-managed by complaining about: "Periods of declining membership, removal of poker machines, attempts to diversify revenue sources, drought, failing infrastructure moving into COVID and a somewhat unexpected (and fortuitous) increase in membership across various categories, to then be confronted by increases in interest rates and inflation driving operating costs through the roof." At a meeting of Members on 14 March the Board outlined plans for a \$5 million

Friends of Federal Fairways

renovation of its clubhouse – a large proportion of the \$6-10 million the Club claims it needs to remain 'sustainable'.

Economic analysis (attached at Annexure C) shows that the Club would be profitable if it concentrated on its golfing business and limited or divested its unprofitable non-golfing activities such as catering for weddings, conferences and the like.

ANNEXURE A – Federal Golf Club DA review notes

202342264- Design and Siting Retirement Village

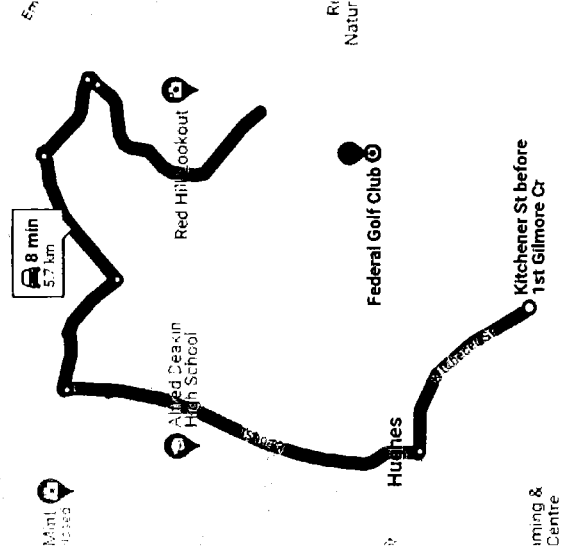
Address: B1, S56 Red Hill and B10 S76 Garran
 Zone: PRZ2 Restricted Access recreation zone
 DA: Proposal for Retirement Village

DA Lodged: 9.2.2024

E-Development form finalised: 11.07.2023

Statement Against Criteria (SAC) dated- 01.02.2024 (After the 27th November cut off for assessment under the previous system)

Matter/Issue	Relevant Rule/Criteria	Procedural Issue	Merit Issue	Further Comment
The DA was notified under Block 10 S76 Garran not B1 S56 Red Hill.		The majority of the works are proposed to occur on B1 S6 Red Hill and only the access road and associated landscaping is located on the Garran Block.	N/A	The DA should have been notified under Block 1 Section 56 Red Hill as the majority of the works are occurring on this block.
Overdevelopment of the site and unsuitable location for a retirement village without any local amenity.		N/A	The use of retirement village and a limit of 125 units was approved in the Territory Plan Variation 384. Although the configuration of apartments and houses especially with limited local amenity brings issues for the resident	While the TPV did allow the use and the amount of units, the configuration through the current site with 77 dwelling houses and 6 apartment buildings with 48 apartments provides a significant difference to 125 individual dwelling units. The length of the access drive into the retirement village does not facilitate walking to local amenities. The amenities such as super markets are located far away from the

Matter/Issue	Relevant Rule/Criteria	Procedural Issue	Merit Issue	Further Comment
<p>The Statement Against Criteria (SAC) states that the retirement village will integrate into the Federal Golf Course.</p>		<p>N/A</p>	<p>comfort and convenience.</p> <p>The retirement village proposal is not self-sustaining and will require residents to leave for access to amenities such as groceries and work.</p>	<p>development and not conducive to walking to.</p> <p>The closest Woolworths and Coles are in Woden roughly 3km away from the closest dwelling within the retirement village to the access road. The IGA is in Lyons roughly 4km away. The closest local shops are in Garran roughly 1.4km away.</p> <p>While comfortable driving distances, it forces residents to use cars- please refer to the traffic comments.</p>
			<p>This is not accurate as there is no access given from the retirement village to the golf course and therefore it is an island surrounded by an inaccessible golf course. There is an 8-minute, 5.7km drive required to access the golf clubhouse through the suburbs further illustrating the non-integration of the development to the golf course. This is not including the circa 300m proposed internal</p>	 <p>The map illustrates a route starting from a retirement village (indicated by a house icon) and ending at the Federal Golf Club. The route is marked with a thick black line and includes a callout box stating '8 min' and '5.7 km'. Key landmarks along the route include Mount Isa, Red Hill Lookout, Federal Golf Club, and Kitchener St before 1st Gilmore Ct. The map also shows other nearby locations like Hughes, Federal Golf Club, and Kitchener St before 1st Gilmore Ct.</p>

Matter/Issue	Relevant Rule/Criteria	Procedural Issue	Merit Issue	Further Comment
<p>The Traffic report concludes that there will be 'negligible impact on the adjoining road network'</p>	N/A	N/A	<p>driveaway from Kitchener Street.</p> <p>Aging populations are not stagnant populations, it seems as though the retirement village traffic generation rates are low given the location of the retirement village.</p>	<p>With aging populations, people are more likely to use their cars for incidental trips - especially with the lack of local, walkable shops in the vicinity. Therefore the 2.1 vehicle movements a day per dwelling per weekday seems low for the residents' actual movements.</p>
<p>The traffic report states that <i>'the impacts of the retirement village on road safety is expected to be negligible'</i></p>	N/A	N/A	<p>The traffic report has not adequately assessed the development on its current and future impacts.</p>	<p>The road geometry has not been interrogated in relation to the augmentation of the new driveway and should be investigated in a new Traffic Assessment.</p>
<p>The traffic assessment was undertaken from the 29th April to the 5th of May 2023.</p>	N/A	N/A	<p>The 26th of April 2023 (Tuesday) was Anzac day. Weekends following weeks with public holidays may not be accurate for 'typical' driving patterns.</p>	<p>Re-testing of the road network should occur on weeks without public holidays to have 'typical' counts.</p>
<p>The e-development application form has ticked that 'crime prevention through environmental design' is not applicable.</p>	The use of retirement village does require response to the CPTED code.	N/A	N/A	<p>While the SAC does include a response, the DA form is incorrect and should be amended.</p>

Matter/Issue	Relevant Rule/Criteria	Procedural Issue	Merit Issue	Further Comment
<p>The e-development application form has ticked that 'Parking (car) and Parking (bike)' are not applicable with this application.</p>		<p>The use of retirement village does require response to the Parking Code.</p>		<p>While the SAC does include a response, the DA form is incorrect and should be amended</p>
<p>The Lodgement Date of the application is the 9th of February 2024, but the application is being assessed under the Territory Plan 2007.</p> <p>The deadline for submitting applications for assessment under the old planning system was the 27th of November 2023. There is an interim provision for applications that were 'substantially submitted' prior to the November 27th deadline to still be assessed under the old system. The term 'substantially submitted' is the grey area.</p>		<p>In this case, the application seems to have been lodged after the 27 November deadline (February 9th 2024), but EPSDD has deemed it 'substantially submitted' prior to the November 27th 2023 deadline.</p>	<p>N/A</p>	<p>The SAC was created on the 2nd of February 2024, (The meta data of the document shows these dates) well after the cut-off date for assessment under the old planning system. The SAC is a key planning document that should have been ready with the entire application in November 2023.</p> <p>If this application is seen to not have been 'substantially submitted' before the 27 November date, a new application will need to be submitted under the new planning system.</p>

Matter/Issue	Relevant Rule/Criteria	Procedural Issue	Merit Issue	Further Comment
<p>Tree removal plans are not consistent across the demolition DA and this design and siting DA.</p>		N/A	<p>The tree removal portion of this application is vast and difficult to discern and makes assessment difficult.</p>	<p>There should be 1 clear plan showing all trees to be removed and the reasoning and which DA they refer to- there is a high number of interdependencies across the applications but no plan showing the 'complete story' of the tree removal.</p>
<p>The lease is concessional- it is expected to remove the concessional status in a future DA (not yet lodged or notified at time of writing).</p> <p>*Concessional meaning that it was given to the lessee at less than market value.</p>		N/A	<p>It would be more prudent for the deconcessionalisation to occur in conjunction with the design and siting DA. There is a potential that the removal of the concessional status will not be supported by EPSDD in its current form.</p>	<p>A deconcessionalisation requires a social impact assessment and should be submitted with the entire DA, demolition and subdivision package to provide a holistic understanding of the full scope of the proposal.</p>
<p>Form 4 (Letter of Authorisation) should also include Kitchener Street itself not Block76 S10 Garran signed by TCCS</p>		<p>There should be a separate form 4 for Kitchener Street and verges signed by TCCS for completeness.</p>	N/A	<p>The current form 4 letters of authorisation only cover Block 1 S56 Red Hill and B76 S10 Garran. There are significant works occurring within the carriageway of Kitchener Street that does not have a specific Form 4 for.</p>
<p>The Environmental report by Umwelt figure 4.1 page 14 has incorrect boundaries.</p>		N/A	<p>The figure seems to have incomplete boundaries showing the extent of the works of</p>	<p>To ensure Umwelt have assessed the maximum extent of works, it would be prudent to check the civil and architectural plans against the plans within the environmental report.</p>

Matter/Issue	Relevant Rule/Criteria	Procedural Issue	Merit Issue	Further Comment
The Demolition Plan Sheet 1 (12576143-C315) is incorrect and shows trees that will be demolished as remaining.		N/A	the full residential village and access road. The plans should be consistent across the drawing packages within this DA.	The lack of consistency across the tree management plans and demolition plans requires careful analysis to ensure the correct trees are earmarked for removal.
The responses in the SAC to the Crime Prevention Through Environmental Design General Code are not responding to the criteria.		N/A	The level of detail in the responses to the CPTED criteria is lacking thorough assessment.	CPTED principles are important to ensure new development is safe and secure for residents, visitors and staff within the complex. The responses should respond to each element in the CPTED criteria for completeness.
C31 to C33 of the Crime Prevention Through Environmental Design General Code have not been responded to.	C31 to C33 of the Crime Prevention Through Environmental Design General Code	Yes	N/A	Bus stop upgrades are being proposed in this development application and therefore these criteria require a response.
The Signs General Code response in the SAC is not complete.	Criteria 4 of the Signs General Code.	N/A	Yes	The general code response in the SAC is blank in the response column for C4, which is the most comprehensive response required for signs within the code.
R3 of the Waterways: Water sensitive urban design general code is not responded to.	Rule 3 the Waterways: Water sensitive urban design general code	N/A	The response provided does not respond to the rule.	The given response is a copy of the rule and not a confirmation or a response to the rule.

ANNEXURE B

Dr Richard Schodde
6/14 Hartigan Street
Garran ACT 2605

6 March 2024

The ACT Conservator of Flora and Fauna
Via email: ConservatorFloraFauna@act.gov.au

Dear Conservator,

I am writing with regard to the proposed development of approximately six hectares of the Federal Golf Club for a retirement village and to request that you intervene to put a stay on all urban development in the eucalypt woodland lining the fairways and margins of the golf club.

Those wooded corridors and margins are the primary roosting site for arguably the majority of Canberra's populations of cockatoos and lorikeets including Sulphur-crested Cockatoos, Corellas (two species), Galahs, Rainbow Lorikeets and Gang-gangs, the ACT's wildlife emblem and today a gazetted endangered species. Groups of Yellow-tailed Black Cockatoos also use the corridors for roosting from time to time.

Canberra is the cockatoo capital of the world: no other city anywhere is home to as abundant numbers of as many species.

It is not widely known that all species of cockatoos and lorikeets, after dispersing widely to feed by day, regather to "clump roost" in communal flocks at pre-set traditional sites each evening.

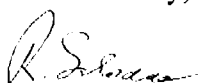
In the Canberra region, the wooded corridors of the Federal Golf Club are one, if not their main, ritualised sleeping roost, and have been so for decades. Furthermore, those wooded corridors fringe the Red Hill – Mt Mugga woodland ridge, prime habitat for the endangered Gang-gang Cockatoo in the Canberra precinct, and add to the effectiveness of that area in Gang-gang conservation.

The area is almost unique because all the conditions cockatoos like for roosting – stretches of close woodland, fringing open space and accessible water – are found together in this location. Those conditions are not common together at all, across our region.

If the planned development goes ahead at Federal in the proposed location, it will fragment the roost sites and make them un-usable, denying the cockatoos vital sleeping trees. Tree replanting won't work because it takes the trees 30-40 years of growth to mature sufficiently to serve as roosts – far too long. The likely end result would have a serious affect on Canberra's high profile parrot populations and add yet another cut to the thousands across the continent that are continuing to send too much of the nation's wildlife slowly down paths of extinction.

I urge you to intervene.

Yours faithfully,



Dr Richard Schodde OAM
Past Hon. President, International Ornithologists' Union
Retired Director, Australian National Wildlife Collection, CSIRO

cc: Rebecca Vassarotti, Minister for the Environment vassarotti@act.gov.au

ANNEXURE C

Does FGC need the village? Is FGC financially unviable?

The entire basis for the Board's relentless pursuit of the proposed village development is summed up in the following single sentence extracted from the official FGC submission regarding the Territory Plan Draft Variation 384:

The Club's financial position has been subject to independent external scrutiny on multiple occasions most recently in November 2021 with findings that the Club had no prospect of funding required infrastructure and faced ongoing operating losses without the retirement village development.

Evidently, the Board hoped that the ACT Government would accept this assertion at face value, since the November 2021 report was not attached to the Club's submission. In addition, it clearly expected that the assertion would be accepted without question by Club Members. I know this, because when I requested a copy of the report, I received the following response from the President:

The Bellchambers Barrett report you refer to was commissioned by and provided to the Board solely for its use. As the intended purpose and use of the report has not changed it will remain solely for use of the Board.

The obvious question to ask is: If the Board's portrayal of the alleged key finding of the report is accurate, and if it has full confidence in the underlying analysis, *why would it not make the report available to any Member with an interest in it?* For that matter, why would it not make the report available to the ACT Government, given that it is a key part of the case made by FGC to justify its request to the government effectively to hand over nearly 6 hectares of prime land, more or less as a gift from ACT ratepayers, to the informal FGC-Mbark consortium?

I suspect that the answer to these questions is that the report would not stand up to careful scrutiny, just like the assertion elsewhere in the Club's submission that:

In normal weather conditions it requires around 100 Ml of water per annum to irrigate the course.

As I have pointed out previously, this figure overstates reality by about one-third, since water consumption data on our own website suggest that we use only about 76 Ml in a normal year. The Board has never been able properly to explain the discrepancy between the two figures, despite being given ample opportunity to do so at the 2022 AGM.

I have also noticed recently that the Board seems to pluck numbers out of thin air when reporting the savings from improved water use efficiency it expects to achieve by replacing our old irrigation system. The [FGC website](#) suggests a 20% improvement; the President's recent submission to the Government puts it half as high again, at 30%; while the Board's version of the Minutes of the December 2022 AGM takes it all the way to a *minimum* of 35%. It would be useful to know how *any* of these estimates was arrived at.

The basis for suggesting *the Bellchambers Barrett report would not stand up to objective scrutiny* is to be found in the attached analysis of the Club's financial statements for the last seven financial years (i.e. covering the period 2016-17 through 2022-23). This analysis follows standard business practice for firms selling multiple products or providing multiple services, by undertaking a cost-accounting analysis that attempts to allocate expenses across each product or service line, setting

these expenses against revenues generated. Put simply, we need to know where we are making money, and where we are losing it.

Undertaking such an analysis is difficult, because the original statements are intended primarily to satisfy company reporting requirements rather than to provide financial data in a user-friendly format that Members would find informative. In the absence of the more detailed information held tightly in the hands of the Board, it is necessary to rely on judgement calls in order to spread some expenses over our four main business activities: golfing; bar/restaurant; pro shop; and catering. Nevertheless, there is sufficient information in these annual reports to achieve a reasonable understanding of the Club's cost structure, and we can get a somewhat tentative idea of the individual profit/loss contributions of each activity. (For details, see the appended details.)

The following tables provide a summary of some key numbers:

Federal Golf Club Profitability Analysis

	Profit/loss \$000							
	Course usage	Proshop/carts & coaching	Bar and food	Meet's & recep's	Totals	Profit excl M&R	Profit excl B&F, M&R	Profit: Revenue (%)
2016-17	56		48	-153	-50	104	56	-1.3
2017-18	17		-11	-101	-94	7	17	-2.5
2018-19	-61	-193	-50	-66	-369	-303	-253	-8.4
2019-20	-51	25	32	-165	-159	6	-26	-3.3
2020-21	349	-46	77	-335	45	380	304	0.9
2021-22	282	-20	4	-362	-96	266	262	-1.6
2022-23	132	84	-53	-493	-330	163	216	-5.3

Note: Prior to 2018-19 the pro shop was operated by the club professional as an independent business, to whom the Club paid an annual retainer in return for the provision of various services. It was then brought in-house, to be operated by employees of the Club.

Cost structure

(% of total expenses)

	Wages	Water	Interest
2016-17	39.8	3.3	3.1
2017-18	39.4	3.1	2.9
2018-19	39.6	4.1	2.4
2019-20	37.0	8.1	2.2
2020-21	40.8	0.4	1.2
2021-22	41.7	0.2	1.3
2022-23	41.9	0.2	1.7
Averages	40.0	2.8	2.1

The key findings of this analysis are as follows:

1. The Club incurred losses in six of the last seven financial years, but the losses are typically equivalent to a small percentage of total revenues. *The implication is that fairly minor increases in total revenue and/or fairly minor decreases in total expenses, would suffice to make the Club profitable.* We only face ongoing operating losses if we continue to make poor business decisions.
2. Water is in fact an almost trivially small expense on average. Even during the worst drought year it accounted for only about 8% of total expenses, and in high rainfall years our water cost is almost negligible. (This partly reflects the large investments the Club made in dam storage and changing the fairway grass to couch.) *The implication is that it would be possible to set aside a small amount in high rainfall years to create a "water reserve" to be drawn down during droughts.*
3. Wages and salaries are by far the most important part of our cost structure. Labour cost is typically around 40% of total expenses, and many times greater than water cost on average. *The implication is that moderately economising on wages and salaries has the potential to significantly improve profitability, while even large efficiency gains in water consumption would have little impact on profitability.*
4. Interest costs are also trivially small (and have been declining) relative to total expenses (although the decline was reversed in 2022-23 because of rising interest rates). It is perfectly sensible to finance some of our long-term assets with borrowed funds: most well-run businesses do so as a matter of course.
5. Over this entire period, our catering business (meetings, receptions etc.) appears to have been unprofitable, and in most years its losses have been larger—often by a wide margin—than the Club's overall losses. *In the absence of catering losses, the Club would have been profitable in 6 of the 7 years under consideration, and would only have made a significant loss in 2018-19, when all four business activities lost money.*
6. *Bar and food has also been unprofitable in 3 of the 7 years under consideration.*

These findings contradict almost all of what the Board has to say about the proposed village development:

The development remains critical to the Club's sustainability. Our financial position remains very serious because of high debt levels, ageing golf course and clubhouse infrastructure for which we cannot fund replacement and high ongoing water costs which become extreme in drought conditions. This water dependency creates an ongoing high cost operating model for the Club.

In short, there is a huge disconnect between what Members (and the world outside) have been told about the Club's financial position and prospects, on the one hand, and the hard evidence contained in our own financial statements, on the other. Far from being inherently unsustainable as the Board would have us believe (on the basis of an analysis that Members are not permitted to see), there are obvious ways in which the Club could put itself back on a self-sustaining course.

These would involve some combination of small increases in the annual subscription rate, restoration of the water levy or some such (which has recently occurred), the withdrawal of the Club from the unprofitable business of catering (receptions and meetings), and a small increase in food and drink prices in the bar—perhaps by way of abolishing the Members' discounted set of prices. (There is no point in having this Members' discount. At best, this amounts to Members subsidising

themselves; at worst it amounts to a hidden subsidy from Members who make little use of the bar/restaurant to those who use these facilities a lot.)

Adoption of a more business-like management approach along these lines would have an important morale-boosting impact around the Club, after years of being fed the defeatist line that we can't make it on our own—that we can only survive if we can convince the Government to generate a multi-million dollar windfall for us by rezoning for residential use some of the land we now occupy.

In turn, a profitably run Club that takes care to set aside funds for “non-rainy days” and to replace ageing infrastructure will have a much better chance of persuading potential lenders to help finance the desired replacement of the irrigation system and refurbishment of the clubhouse—not to mention the fact that profits can be used for re-investment in such infrastructure.¹

Instead, the Board prefers to turn to the Government for a handout in the form of a gift of prime land that can be effectively sold to a real estate developer. Perhaps unsurprisingly, it prefers to hide the fact that the Club has benefited enormously from Government support over the last four decades. We pay only a nominal annual rent for 85 hectares of prime land in central Canberra—so small it is not even identified in our annual financial statements. We have also benefited from two large *ad hoc* Government grants to assist with dam construction and replanting our fairways. Ignoring not only these grants but also the huge value of the heavily subsidised land rent, the Board spits in the eye of ACT ratepayers by stating blandly that the Club “does not receive separate government funding”—which is perhaps technically correct, but utterly misleading.

¹ In a separate document, I set out a proposal for Member-financing of replacement of the irrigation system. Limited refurbishment of the clubhouse seems desirable, but is less urgent. Just as early Members of the Club had to put up with sand greens and poorly mown fairways, current Members may need to put up with a Clubhouse that is less than perfect for the time being.

FGC Disaggregated Income Statement for FY 2016/17 (\$000)

	Revenues & costs by activity				
	Course usage	Pro shop/ carts & coaching	Bar and food	Meetings & receptions ("Catering")	Totals
Revenues					
Subscriptions	1099		275		1374
Levy	194		48		242
Water levy					
Joining fees					
Other golf revenue	712				712
Food & beverages ("Bar")			628		628
Catering				829	829
Pro shop carts & coaching					
Sponsorships	95		24		118
Government assistance					
Interest	0		0		0
TOTALS	2100		975	829	3904
Expenses					
Wages & salaries	554		324	333	1211
Admin wages and salaries	144		108	108	361
Pro Shop wages					
COGS					
COGS			225		225
COGS				240	240
"Other competition expenses"	216				216
Water	131				131
Course maintenance	255				255
Clubhouse expenses	59		118	118	296
Bar expenses			8		8
Catering expenses				46	46
Club expenses	284				284
Interest	60		30	30	121
Depreciation: inside			65	65	130
Depreciation: outside	246				246
Overheads	50		33	28	110
Rates and land rent	25		1	1	28
Other	20		14	11	45
Other (Pro shop)					
Job Keeper top up expense					
TOTALS	2044		928	982	3954
Profit/loss	56		48	-153	-50

FGC Disaggregated Income Statement for FY 2017/18 (\$000)

Revenues & costs by activity

	Course usage	Pro shop/ carts & coaching	Bar and food	Meetings & receptions ("Catering")	Totals
Revenues					
Subscriptions	965		241		1206
Levy	185		46		231
Water levy					
Joining fees					
Other golf revenue	696				696
Food & beverages ("Bar")			623		623
Catering				919	919
Pro shop carts & coaching					
Sponsorships	31		8		39
Government assistance					
Interest	0		0		0
TOTALS	1877		918	919	3715
Expenses					
Wages & salaries	478		342	356	1175
Admin wages and salaries	130		97	97	325
Pro Shop wages					
COGS					
COGS			226		226
COGS				262	262
"Other competition expenses"	160				160
Water	118				118
Course maintenance	228				228
Clubhouse expenses	56		111	111	278
Bar expenses			7		7
Catering expenses				57	57
Club expenses	321				321
Interest	55		28	28	110
Depreciation: inside			68	68	135
Depreciation: outside	216				216
Overheads	52		35	29	116
Rates and land rent	25		1	1	28
Other	20		14	11	46
Other (Pro shop)					
Job Keeper top up expense					
TOTALS	1860		929	1020	3809
Profit/loss	17		-11	-101	-94

FGC Disaggregated Income Statement for FY 2018/19 (\$000)

	Revenues & costs by activity				
	Course usage	Pro shop/ carts & coaching	Bar and food	Meetings & receptions ("Catering")	Totals
Revenues					
Subscriptions	895	60	239		1193
Levy	159	11	42		212
Water levy	102				102
Joining fees					
Other golf revenue	760				760
Food & beverages ("Bar")			587		587
Catering				964	964
Pro shop carts & coaching		492			492
Sponsorships	44	3	12		59
Government assistance					
Interest	0	0	0		0
TOTALS	1960	566	880	964	4370
Expenses					
Wages & salaries	504		380	357	1241
Admin wages and salaries	93	93	62	62	311
Pro Shop wages	113	210			323
COGS		236			236
COGS			233		233
COGS				298	298
"Other competition expenses"	215				215
Water	196				196
Course maintenance	214				214
Clubhouse expenses	41	14	109	109	273
Bar expenses			9		9
Catering expenses				66	66
Club expenses	303				303
Interest	45	11	28	28	112
Depreciation: inside		28	56	56	139
Depreciation: outside	213				213
Overheads	42	11	26	26	106
Rates and land rent					
Other	42	11	26	26	105
Other (Pro shop)		145			145
Job Keeper top up expense					
TOTALS	2021	758	930	1030	4739
Profit/loss	-61	-193	-50	-66	-369

FGC Disaggregated Income Statement for FY 2019/20 (\$000)

	Revenues & costs by activity				Totals
	Course usage	Pro shop/ carts & coaching	Bar and food	Meetings & receptions ("Catering")	
Revenues					
Subscriptions	912	61	243		1215
Levy	160	11	43		214
Water levy	220				220
Joining fees					
Other golf revenue	766				766
Food & beverages ("Bar")			492		492
Catering				617	617
Pro shop carts & coaching		718			718
Sponsorships	28	2	7		37
Government assistance	180	133	131	112	557
Interest	0	0	0		0
TOTALS	2266	925	916	729	4836
Expenses					
Wages & salaries	482		350	299	1131
Admin wages and salaries	108	108	72	72	359
Pro Shop wages	125	232			356
COGS		290			290
COGS			209		209
COGS				238	238
"Other competition expenses"	160				160
Water	406				406
Course maintenance	256				256
Clubhouse expenses	35	12	93	93	231
Bar expenses			10		10
Catering expenses				59	59
Club expenses	268				268
Interest	44	11	28	28	110
Depreciation: inside		28	55	55	138
Depreciation: outside	292				292
Overheads	42	11	26	26	105
Rates and land rent					
Other	40	10	25	25	100
Other (Pro shop)		196			196
Job Keeper top up expense	60	4	16		80
TOTALS	2318	900	884	894	4995
Profit/loss	-51	25	32	-165	-159

FGC Disaggregated Income Statement for FY 2020/21 (\$000)

	Revenues & costs by activity				
	Course usage	Pro shop/ carts & coaching	Bar and food	Meetings & receptions ("Catering")	Totals
Revenues					
Subscriptions	1,179	79	314		1,572
Levy	208	14	55		277
Water levy	197				197
Joining fees	13	1	3		17
Other golf revenue	825				825
Food & beverages ("Bar")			549		549
Catering				620	620
Pro shop carts & coaching		1,053			1,053
Sponsorships	42	3	11		56
Government assistance	15	11	11	9	47
Interest	0	0	0		0
TOTALS	2,478	1,160	944	629	5,212
Expenses					
Wages & salaries	532		308	329	1,170
Admin wages and salaries	144	144	96	96	481
Pro Shop wages	160	296			456
COGS		453			453
COGS			229		229
COGS				245	245
"Other competition expenses"	180				180
Water	23				23
Course maintenance	300				300
Clubhouse expenses	39	13	103	103	258
Bar expenses			6		6
Catering expenses				65	65
Club expenses	327				327
Interest	26	6	16	16	64
Depreciation: inside		27	54	54	136
Depreciation: outside	310				310
Overheads	41	10	25	25	101
Rates and land rent					
Other	48	12	30	30	119
Other (Pro shop)		244			244
Job Keeper top up expense					
TOTALS	2,129	1,206	868	964	5,167
Profit/loss	349	-46	77	-335	45

FGC Disaggregated Income Statement for FY 2021/22 (\$000)

	Revenues & costs by activity				
	Course usage	Pro shop/ carts & coaching	Bar and food	Meetings & receptions ("Catering")	Totals
Revenues					
Subscriptions	1,312	87	350		1,750
Levy	223	15	59		297
Water levy					
Joining fees	55	4	15		74
Other golf revenue	1,033				1,033
Food & beverages ("Bar")			587		587
Catering				720	720
Pro shop carts & coaching		1,238			1,238
Sponsorships	56	4	15		74
Government assistance	24	18	17	15	74
Interest	0	0	0		0
TOTALS	2,703	1,366	1,043	735	5,847
Expenses					
Wages & salaries	626		416	346	1,388
Admin wages and salaries	160	160	107	107	534
Pro Shop wages	195	363			558
COGS		541			541
COGS			232		232
COGS				293	293
"Other competition expenses"	222				222
Water	12				12
Course maintenance	334				334
Clubhouse expenses	45	15	121	121	302
Bar expenses			11		11
Catering expenses				78	78
Club expenses	315				315
Interest	31	8	20	20	78
Depreciation: inside		26	51	51	128
Depreciation: outside	350				350
Overheads	48	12	30	30	121
Rates and land rent					
Other	82	21	51	51	205
Other (Pro shop)		241			241
Job Keeper top up expense					
TOTALS	2,421	1,386	1,039	1,097	5,942
Profit/loss	282	-20	4	-362	-96

FGC Disaggregated Income Statement for FY 2022/23 (\$000)

	Revenues & costs by activity				
	Course usage	Pro shop/ carts & coaching	Bar and food	Meetings & receptions ("Catering")	Totals
Revenues					
Subscriptions	1,359	91	362		1,811
Levy	235	16	63		313
Water levy					
Joining fees	80	5	21		107
Other golf revenue	1,104				1,104
Food & beverages ("Bar")			648		648
Catering				812	812
Pro shop carts & coaching		1,332			1,332
Sponsorships	75	5	20		100
Government assistance					
Interest	1	0	0		1
TOTALS	2,853	1,449	1,114	812	6,228
Expenses					
Wages & salaries	745		456	470	1,671
Admin wages and salaries	165	165	110	110	550
Pro Shop wages	184	341			525
COGS		539			539
COGS			298		298
COGS				340	340
"Other competition expenses"	277				277
Water	14				14
Course maintenance	367				367
Clubhouse expenses	48	16	127	127	318
Bar expenses			11		11
Catering expenses				93	93
Club expenses	361				361
Interest	44	11	28	28	110
Depreciation: inside		26	52	52	131
Depreciation: outside	381				381
Overheads	55	14	34	34	137
Rates and land rent					
Other	81	20	51	51	203
Other (Pro shop)		233			233
Job Keeper top up expense					
TOTALS	2,721	1,365	1,168	1,305	6,558
Profit/loss	132	84	-53	-493	-330

Revenue and Expense Allocations to Business Activities 2018-19 to 2022-23

	Course usage	Proshop/ carts & coaching	Bar and food	Meetings & receptions	Total
Revenues					
Subscriptions	75%	5%	20%		100%
Levy	75%	5%	20%		100%
Water levy	100%				100%
Joining fees	75%	5%	20%		100%
Other golf revenue	100%				100%
Food & beverages ("Bar")			100%		100%
Catering				100%	100%
Pro shop carts & coaching		100%			100%
Sponsorships	75%	5%	20%		100%
Government assistance	32%	24%	24%	20%	100%
Interest	75%	5%	20%		100%
TOTALS					
Expenses					
Wages & salaries					
Admin wages and salaries	30%	30%	20%	20%	100%
Pro Shop wages	35%	65%			100%
COGS		100%			100%
COGS			100%		100%
COGS				100%	100%
"Other competition expenses"	100%				100%
Water	100%				100%
Course maintenance	100%				100%
Clubhouse expenses	15%	5%	40%	40%	100%
Bar expenses			100%		100%
Catering expenses				100%	100%
Club expenses	100%				100%
Interest	40%	10%	25%	25%	100%
Depreciation: inside		20%	40%	40%	100%
Depreciation: outside	100%				100%
Overheads	40%	10%	25%	25%	100%
Rates and land rent	90%		5%	5%	100%
Other	40%	10%	25%	25%	100%
Other (Pro shop)		100%			100%
Job Keeper top up expense	75%	5%	20%		100%

Revenue and Expense Allocations to Business Activities 2016-17 to 2017-18

	Course usage	Proshop/ carts & coaching	Bar and food	Meetings & receptions	Total
Revenues					
Subscriptions	80%		20%		100%
Levy	80%		20%		100%
Water levy	100%				100%
Joining fees	80%		20%		100%
Other golf revenue	100%				100%
Food & beverages ("Bar")			100%		100%
Catering				100%	100%
Pro shop carts & coaching					
Sponsorships	80%		20%		100%
Government assistance					
Interest	80%		20%		100%
TOTALS					
Expenses					
Wages & salaries					
Admin wages and salaries	40%		30%	30%	100%
Pro Shop wages					
COGS					
COGS			100%		100%
COGS				100%	100%
"Other competition expenses"	100%				100%
Water	100%				100%
Course maintenance	100%				100%
Clubhouse expenses	20%		40%	40%	100%
Bar expenses			100%		100%
Catering expenses				100%	100%
Club expenses	100%				100%
Interest	50%		25%	25%	100%
Depreciation: inside			50%	50%	100%
Depreciation: outside	100%				100%
Overheads	45%		30%	25%	100%
Rates and land rent	90%		5%	5%	100%
Other	45%		30%	25%	100%

Harry Kay

From: AC, EPD Customer Services <ACEPDCustomerServices@act.gov.au>
Sent: Monday, 25 March 2024 9:21 AM
To: 'Friends of Federal Fairways Inc'
Subject: RE: ACKNOWLEDGEMENT OF RECEIPT OF REPRESENTATION

OFFICIAL

Good morning,

DEVELOPMENT APPLICATION NO: 202342260,202342264
BLOCK: 1,76 **SECTION:** 56,10 **DIVISION:** RED HILL, GARRAN

Thank you for your representation made **20/03/2024** regarding development application number: 202342260,202342264.

The issues raised in your submission will be taken into consideration during the assessment of the development application and you will be notified in writing once a decision has been made.

Please Note: A copy of your representation will be forwarded to the development application applicant and released to the public only on request. All representations are saved electronically within the Development Application file and are not placed on a website.

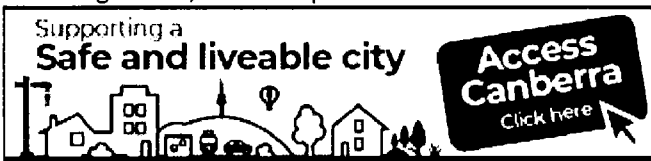
If you require any further information please contact Customer Services on (02) 6207 1923.

Ashleigh Clarke | DA Notification | Environment, Land and Technical Regulation

Phone: 02 6207 1923 | Email: acepdcustomerservices@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

8 Darling Street, Mitchell | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



From: Friends of Federal Fairways Inc <info@foff.org.au>
Sent: Wednesday, March 20, 2024 3:19 PM
To: AC, EPD Customer Services <ACEPDCustomerServices@act.gov.au>
Subject: Opposing representation to DA202342252

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

On behalf of Friends of Federal Fairways, please find attached representation and annexure opposing DA202342252.

Yours faithfully,

Jane Seaborn
Public Officer
Friends of Federal Fairways Inc
www.foff.org.au

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.



ANNEXURE 'B'

Application to Incorporate an Association - receipt

Your submission has been successful. Please keep a copy of this receipt for your records. This transaction will appear on your statement as ACCESS CBR INTERNET CANBERRA

Date and time	Reference code	Payment receipt number	Total amount paid
30 Aug 2023 6:49:06 PM	SQ8VR73H	3558963888	\$ 216.00

Access Canberra ABN 16 479 763 216	GPO BOX 158 Canberra ACT 2601	Phone: (02) 6207 1923
---------------------------------------	----------------------------------	-----------------------

Association details

Name of association *

Friends of Federal Fairways

To incorporate you must have a minimum of 5 members.

Total number of members *

8

Does the association have a registered office? *

Yes

No

Preferred postal address of association

Address line 1 *

PO BOX 3739

Address line 2

Suburb *

MANUKA

State *

ACT

Postcode *

2603

Applicant details

Person authorised under S16 to apply for incorporation, must be over 18 and reside in the ACT.

Title Given name *

Ms

Jane

Family name *

Seaborn

Applicant is over 18 years of age *

Home address

(If you do not want your residential address on the public record, please list an alternative address in the ACT.)

Address line 1 *

PO BOX 3739

Address line 2

Suburb *

MANUKA

State *

ACT

Postcode *

2603

Postal address

Same as residential address

Contact phone number *

0414829282

Email *

jane.seaborn@icloud.com

Inaugural public officer details

The public officer must be over 18 and reside in the ACT.

Title Given name *

Ms

Jane

Family name *

Seaborn

Inaugural public officer is over 18 years of age *

Home address

Address line 1 *

PO BOX 3739

Address line 2

Suburb *

MANUKA

State *

ACT

Postcode *

2603

Postal address

Same as residential address

Enter at least one phone number: *

Home phone number

+61414829282

Work phone number

Mobile number

0414829282

Email

jane.seaborn@icloud.com

Objectives and rules

What are the objectives and purposes of the association? *

Friends of Federal Fairways will unite environmentalists, golfers, local residents and other Canberra citizens to:

- protect the unique habitat that exists for native wildlife and endangered species on and around Federal Golf Club;
- preserve the fairways of Federal Golf Club for golf and other compatible recreation;
- prevent residential development on any fairways or other green open space at Federal Golf Club; and
- perpetuate the public right of access to the whole golf course granted to the community under the original crown lease.

Is this association adopting the model rules from the *Associations Incorporation Regulation 1991*? *

Yes No

Under the model rules the committee has 7 positions, these being: President, Vice-President, Secretary, Treasurer, and 3 Ordinary Committee Members.

The inaugural committee is responsible for ensuring that the rules are complete and comply with the *Associations Incorporation Act 1991*.

(Please type 'vacant' against committee position that have not been filled at time of application.)

Download checklist. ([https://files.accesscanberra.act.gov.au/legacy/4797/Association constitution and rules checklist.pdf](https://files.accesscanberra.act.gov.au/legacy/4797/Association%20constitution%20and%20rules%20checklist.pdf))

Does this association have any legal, financial or property deeds which affect the association? *

Yes No

Inaugural committee details

An association must have at least three committee members.

If you do not want your residential address on the public record, please provide an alternative address which can be a PO box.

1
President
<input checked="" type="checkbox"/> Vacant

2
Vice-President
<input checked="" type="checkbox"/> Vacant

3
Secretary
<input type="checkbox"/> Vacant
Title Given name * Family name *
Ms Jane Seaborn
Address line 1 *
PO BOX 3739
Address line 2
Suburb * State * Postcode *
MANUKA ACT 2603

4

Treasurer

Vacant

Title Given name *

Mr Ian

Family name *

Mackay

Address line 1 *

PO BOX 3739

Address line 2

Suburb *

MANUKA

State *

ACT

Postcode *

2603

5

Ordinary Committee Member

Vacant

Title Given name *

Ms Sue

Family name *

Bestow

Address line 1 *

PO BOX 3739

Address line 2

Suburb *

MANUKA

State *

ACT

Postcode *

2603

6

Ordinary Committee Member

Vacant

Title Given name *

Dr Ross

Family name *

McLeod

Address line 1 *

PO BOX 3739

Address line 2

Suburb *

MANUKA

State *

ACT

Postcode *

2603

7

Ordinary Committee Member

Vacant

Title Given name *

Mr Michael

Family name *

Smith

Address line 1 *

PO BOX 3739

Address line 2

Suburb *

MANUKA

State *

ACT

Postcode *

2603

Declaration

I, Jane Seaborn, confirm that the particulars shown on this form are true and correct and that I have been authorised under Section 16 of the *Associations Incorporation Act 1991* to apply for incorporation of this association. I have read the Privacy statement and important information on the landing page of this form.

Payment total

\$ 216.00

**Friends of Federal Fairways - Inaugural Meeting
6pm, 30 August 2023 via Zoom online**

MINUTES

The meeting opened at 6.00pm.

1. Welcome, attendance, apologies, proxies

Attendance: I. Mackay, R. McLeod, J. Seaborn, M. Smith

Apologies: S. Bestow

Proxies: S. Bestow in favour of J. Seaborn

2. Forming and incorporating Friends of Federal Fairways

Motion 1: That an association be formed and known as Friends of Federal Fairways

CARRIED

Motion 2: That the meeting authorises Jane Seaborn to apply for the incorporation of the association

CARRIED

Motion 3: That the meeting appoints Jane Seaborn to be the Public Officer

CARRIED

Motion 4: That the meeting approves the following statement of the objects of the association for the purposes of the application:

Friends of Federal Fairways will unite environmentalists, golfers, local residents and other Canberra citizens to:

- *protect the unique habitat for native wildlife and endangered species that exists on and around Federal Golf Club;*
- *preserve the fairways of Federal Golf Club for golf and other compatible recreation;*
- *prevent residential development on any fairways or other green open space at Federal Golf Club; and*
- *perpetuate the public right of access to the whole golf course granted to the community under the original crown lease.*

CARRIED

Motion 5: That the meeting adopts the Model Rules, as in force from time to time, as the rules of the association

CARRIED

3. Appointment of inaugural committee

Motion 6: that the following members be appointed to be the inaugural committee of Friends of Federal Fairways:

Sue Bestow	Committee Member
Ian Mackay	Treasurer
Ross McLeod	Committee Member
Jane Seaborn	Secretary
Michael Smith	Committee Member

CARRIED

4. Conduct of Meetings

Motion 7: That meetings and voting of the association may be conducted in person, via electronic or digital means or by a combination of delivery mechanisms

CARRIED

5. Finances

Motion 8: That the meeting confirms the association will be not-for-profit

CARRIED

Motion 9: That the committee authorises the Secretary and Treasurer to set up a bank account for the association

CARRIED

Motion 10: that the committee authorises the Secretary and Treasurer to set up an online fundraising platform for the association

CARRIED

6. Any other business

The meeting discussed:

- How long it would take for approval of incorporation by Access Canberra
- Membership applications
- Funding the campaign and audit compliance in accordance with model rules
- Preparation for FGC AGM

7. Next meeting

TBD

The meeting closed at 6.24pm.



ACT
Government

Chief Minister, Treasury and
Economic Development

**THE PUBLIC OFFICER
FRIENDS OF FEDERAL FAIRWAYS INCORPORATED
PO BOX 3739 MANUKA ACT 2603**

Dear Sir/Madam

RE : Application for Incorporation of an Association

Association Number: **A06480**

FRIENDS OF FEDERAL FAIRWAYS INCORPORATED

I refer to your application to incorporate the above name lodged on 30/08/2023. In accordance with provisions of the *Associations Incorporation Act 1991*, Access Canberra has incorporated the above association and a certificate of incorporation is enclosed.

Please be advised that the association is required to notify this office of any changes to the committee or public officer, (both names and addresses), and any changes to the rules. The association is also required to lodge, once in each financial year, an Annual Return detailing the financial statements of the association and signed by two current committee members.

Should you have any enquiries please contact the Access Canberra on 13 22 81 and quote the association number shown above.

Yours sincerely

Alexandra Green
Community, Industry and Trader Licensing
13 September 2023



ACT
Government

**Access
Canberra.**

CERTIFICATE
CERTIFICATE
CERTIFICATE

Associations Incorporation Act 1991
CERTIFICATE OF INCORPORATION

Association Number: **A06480**

This is to certify that pursuant to section 19 of the **Associations Incorporation Act 1991**

FRIENDS OF FEDERAL FAIRWAYS INCORPORATED

is on and from 13 September 2023 incorporated as an association.

David Pryce
REGISTRAR-GENERAL

13 September 2023