

25 February 2023

The Officer Tasked
ACT Planning System Review and Reform Project
Environment, Planning and Sustainable Development Directorate
Dame Pattie Menzies Building
DICKSON ACT 2602
Via online lodgement portal

Dear Officer,

RE: Response to submission of representation and feedback on the draft new Territory Plan and draft district strategies: ACT Planning System Review and Reform Project: Canberra Labor Club


We are writing on behalf of the Canberra Labor Club, lessee of numerous land parcels in the ACT and operator of four Clubs across the ACT. The Canberra Labor Club Group owns and operates four licensed Clubs throughout the ACT with expansions included the purchase of the City Labor Club (formerly the Canberra Workers Club) in 1995 now located in Petrie Plaza in 2006, the purchase of the Canberra Labor Club Community Chambers in Belconnen (formerly Norths Rugby) in 1997 , the purchase of the Ginninderra Labor Club (formerly the Charnwood Tavern) in 1997, and the purchase of the Weston Creek Labor Club (formerly the Weston Creek Football Club) in 2001.

The Canberra Labor Club opened in 1979 with a membership of 1500 and has grown to become an invaluable asset to the community with a membership of over 40,000 community members and staffing of around 160 persons and actively supports sporting teams and community organisations making it an integral part of the Canberra community.

The Canberra Labor Club has always been totally committed to promoting and encouraging responsible gaming practices and participated in the ACT Government gaming license surrender program in 2022. The Government, as part of this initiative encouraged the Club to diversify its income streams away from gaming revenue and provided credits/cost incentives to be “Spend” towards planning processes costs as compensation and encouragement to take up this initiative. Minister for Gaming Shane Rattenbury was quoted as stating that the surrender incentive is an integral component of the ACT Government’s commitment to reduce the number of poker machines in the Territory while supporting the sustainability of clubs. He is quoted to have said “*...Our community clubs play an important role in the social life of many Canberrans, so we want to continue supporting our clubs while reducing the harm from pokies, and ... believe these surrender incentive payments can assist to achieve that. This initiative is a great incentive to create pokie-free venues for Canberrans to enjoy and reduce the harm caused by exposure and access to electronic gaming machines.*”

It thus flows from this Government policy, not in the process of implementation after the surrender of licences now completed, that the Planning Reform Process and District Strategies take note of and communicate to the community that further development of by Canberra's Clubs land is not only likely but must occur to support the sustainable diversification of their businesses, offerings and income streams.

Coupled with other key Government policy themes that will impact planning outcomes such as social sustainability, climate change response, urban densification (70% infill target) and the desire for a thriving night-time economy it is without question that operations such as the Labor Club will play a significant part in



delivering on these policy initiatives in the further redevelopment of their land holdings as a result of the Gaming License surrender program and the associated incentive to diversify and rebuild the lost income through development and diversification of real-estate assets and business offerings.

A review of the Planning Reform Documents and specifically the Draft Territory Plan District and Zoning policy documents applicable to the four Club sites set out above as well as consideration of the Relevant District Strategies suggest the following in short:

Draft Territory Plan Documents

We presume that the underlying zoning for these sites will remain the same as the reciprocal zoning under the current Plan.

City Labor Club (CZ1):

- The Territory Plan Policies (both City District Policy and Commercial Zones Policy) appears to be largely consistent with the current development provisions and appears to provide for a similar development opportunity to what currently is available to the Club.

Belconnen Labor Club (CZ2):

- The Territory Plan Policies (both Belconnen District Policy and Commercial Zones Policy) appears to be largely consistent with the current development provisions and appears to provide for a similar development opportunity to what currently is available to the Club.
- The height limit change over the site is reduced by 1m that seems to be unnecessary from a bulk and scale perspective but will have an impact on the ability to deliver buildings with good amenity. There are many examples across Canberra where a strict numerical limit drove substantial amenity loss in buildings with specific reference to ground plane interface and internal room dimensions due to the inability to set the building to a level that acknowledge site challenges and characterises, public realm interface and internal wall and ceiling height aspiration with a good design response to the built form including adequate building top (roof) resolution.

Ginninderra Labor Club -Charnwood (CZ1):

- The Territory Plan Policies (both City District Policy and Commercial Zones Policy) appears to be largely consistent with the current development provisions and appears to provide for a similar development opportunity to what currently is available to the Club.

Weston Creek Labor Club – Stirling (CZ6):

- Please see study and in depth response below.



District Strategies – Inner North and City, Belconnen and Weston Creek

The City, Belconnen Town Centre and the Group Centres (Charnwood) appears to be generally afforded some consideration as areas in which development change will be encouraged under the future development Strategies. There appears however to be a large oversight in that the District Strategies seems to be devoid of any acknowledgement of the existence, role and importance of Club use in the urban and social context of the city and community. As a strong player of recreation facilities, community support and the nighttime economy one would assume that these Strategies would clearly articulate this use's role in the future City and recreational services provision and community support role played by the Clubs.

As a result from the gaming license surrender program implemented by the Government in 2022 and in the context of the initiatives for participating in this program directly related to Clubs needing to pursue development and diversification of business activities on their land holdings it seems strange that the District Strategies do not acknowledge this fact and communicate it to the community as development opportunity and anticipated change areas in the city and areas where these uses and landholdings are situated.

Noting that diversification may well include a need to vary the Territory Plan and in the context of the District Strategy in a large manner being the document that will give direction to the direction of and basis for future policy changes it is imperative that this policy outcome is specifically acknowledge and supported.

Noting that the diversification of Club business will invariably result in a broadening of the activities conducted on existing land holdings it seems strange that the definition for Club use is not considered to warrant a change.

At present Club uses are defined to be *"... use of land as a meeting place for persons associated, or for a body incorporated, for a social, sporting, athletic, literary, political or other like purpose, and which is a licensed premise under the Liquor Act 2010."*

Modern Club uses and a diversified club business will see a raft of other uses operating in conjunction with the use including Residential use, Build-to-rent, Shop, Retail, Restaurant, Drink Establishment, Indoor Entertainment and Recreation venue and many more. The proposed definition of Club is not consistent with the evolving form of the use as is necessary to meet the Government and community expectation for a sustainable and diversified business that is less reliant on income from gaming revenue. We request that this definition be augmented to reflect the true business of the modern Canberra Club use.

Weston Creek Labor Club (Stirling) – A case Study and response

The Weston Creek Labor Club in Stirling warrants a different consideration when compared to the context of the other three club venues as it is not located in the City, a Town Center or Group Centre. Albeit the comments made relating to the Gaming License Policy reduction program and Club use definition is equally valid, this site by virtue of its unique context deserves a deeper dive into the Planning Reform Document's positioning, future context and relationship to the District Strategy. Below follows a more in-depth assessment of this site in the context of the Planning Reform and the need to augment the Draft Territory Plan and District Strategy to meet the need for further development of the site.

The site

Block 5 Section 24 Stirling is a privately leased commercial Block, located at the intersection of Teesdale Pl and Crowder Cct, along Fremantle Drive and adjacent and to the east of the Stirling District Playing fields. The subject site is leased land and currently developed for commercial club use and operating as the Weston Creek Labor Club. The use pertains a club building, three lawn bowl greens, carparking and other site amenities.



Figure 1 – Aerial map of Block 24 Section 5 Stirling (Source ACTMAPi, February 2022)

The block is bounded by Block 93 Section 24 to the south, north-east and west; this land being zoned PRZ1: Public Open Space and housing the playing fields to the west and north-west across Teesdale Pl. The land located immediately to the north (Block 92 Section 24) is a vacant parcel of land zoned CZ6 – Commercial Accommodation and Leisure.

Land further to the north are zoned CFZ - Community Facilities land and houses residential care and retirement village facilities and an education establishment. Land to the east of Fremantle Drive and to the



south of the District Playing Fields are zoned and developed for low density residential uses, generally detached housing in typology.

Current statutory and strategic planning context

The subject site (Block 5) sits within a predominantly suburban context with a recreation precinct immediately to the west and south. Both the subject block and land immediately to the north (Block 92) are zoned 'CZ6 - Leisure and Accommodation' under the Territory Plan.

The existing Crown lease development provisions are limited, with the current development opportunity limited to club uses and a comparatively modest GFA provision representing a plot ratio of less than 13%. The lease is a reflection of the underlying Territory Plan zoning and the historical use of the site, noting that historical Crown Leases were often drafted to facilitate a specific use and development outcomes envisioned when the lease was granted.

Land further to the south and east is zoned for low density residential development, with the nearest residential block boundaries on Crowder Crescent and Fremantle Drive more than 30 metres from the site boundary. Public open space areas located between the site and residential areas include stands of tall trees and vegetation screening the site from residents. The Hedley Beare Centre for Teaching and Learning is located approximately 120 metres further to the north of the site.

Block 92 is vacant but has been identified subject to many proponent and ACT Government processes over the last decade to consider the development options thereof. The Gaming License surrender program and associated requirement to use credits in planning processes is of specific interest as the Club, being a bowling club by nature represents an under utilization of the land asset and an opportunity to intensify and diversify the business offering at the site.

The site and context represent integrated community facilities and recreation hub within the Stirling and broader Weston Creek District with the sport, recreation and community use facilities representing a strong cluster and grouping in the urban fabric. The playing fields, with the Waramanga playing fields represent the biggest clusters of these facilities in the District.

The ACT Planning System Review and Reform Project and Belconnen District Strategy: A Strategic Direction for additional Retirement and Aged Care facilities.

The ACT Planning System Review and Reform Project documents provides insight into the key urban planning and development context and the ACT Government and community's vision for the future development of the District over the next circa 25 YEARS (2046) and further into the future (to 2063). In considering the key draft reform documents listed below, there are some trends that stand out and are worth considering. We refer specifically to the following documents:

- The draft Weston Creek District Strategy,
- The draft Territory Plan: Weston Creek District Policy,
- The draft Territory Plan: Commercial Zones Policy.



Below we have outlined some of the important findings and key policy considerations included in these draft reports that are of interest to this site:

The Draft Territory Plan Zone and District Policy

The draft Territory Plan is proposing new planning policy documents to be used in informing and controlling the development of land and future development context and outcomes on land.

Block 24 remains zoned CZ6 - Leisure and Accommodation Zone in the Draft Territory Plan. Neither the Commercial Zones Policy nor the Weston Creek District Policy include any specific requirements for the site and/or precinct.

The Zone Policy set a range of uses that are permissible on CZ6 zoned land and we note the change in uses. This includes adding care takers residence and guesthouse as permissible uses while altering/changing or deleting uses like childcare use, now become early childhood education, Serviced Apartment use cease to exist as a use term and changes to community uses, supermarket and personal services are noted.

The general and zone-specific objectives for the applicable zoning call for development being primarily commercial in nature with a strong economic focus on the zone and land supply for commercial services. The scale of development should respond to the zone hierarchy. Protection for leisure and accommodation zone uses from higher order commercial uses are important to enhance the region's economic and employment diversity. Leisure and accommodation facilities are to be sited in places with convenient access to public transport and of a bulk scale and design (including landscaping) that is compatible with the environmental values of place and protect the amenity of nearby residential areas. Street frontage activity and surveillance of the public realm are key objectives of use and development.

The limitations set out in the assessment requirements for CZ6 zones is specified to limitations of the size and type of retail tenancies (max. 250sqm for a retail use). Assessment outcomes include consideration of policy outcomes, consideration of applicable design guides, functionality and usability of a site and development for its intended purpose/use, applicable environmental effects, a range of design specific consideration and the like.

The district Policy states that:

Development proposals in Weston Creek District will be assessed having regard to the key characteristics of the district and the policy outcomes to be achieved for the district. The policy outcomes to be achieved for Weston Creek District are derived from Weston Creek District Strategy. The Weston Creek District Strategy sets the vision, priorities and values of the district.

Policy outcomes further include a requirement that develop of more diverse housing choices integrated with public transport should be considered and development proposals will be assessed against a broad range of design and economic related criteria.

The District Policy refers only once to the Division of Stirling in stating that Block 2 Section 24 cannot be used for retirement Village use and/or supportive housing. There are no other size or locality specific policies articulated for the subject site and area.

We note that the current prescriptive planning provisions in the CZ6 zone appear to be moved to the Technical Specification ts2: Commercial document. It is our understanding that this document will need to be



considered as per the requirements of the District and Zone policy, but the actual provisions included are not part of the planning controls available at the site. The specifications may be used to inform the assessment and outcome requirements of the Territory Plan Policies but where a proponent can demonstrate that the policy required, and objectives have been met the Authority have discretion to approve an alternative outcome.

The Weston Creek District Strategy

The Weston Creek Strategy is a new planning document that is included in the 2023/4 Planning Reform project. The strategies are to inform and focus a modern planning system on the vision for delivery of a livable and sustainable, growing and changing Canberra. With more people living and working in the ACT, the Government identified a need for a progressive planning system that will facilitate the growth without compromising the characteristics and values of the city.

The Weston Creek District Strategy is one of nine District Strategies that seeks to bridge the gap between city wide strategic planning and the local area planning captured in the Territory Plan. The District Strategies are intended to provide a line-of-sight between metropolitan level planning, policies and legislation and on-the-ground outcomes that can and should be delivered in the Weston Creek area including guiding desirable areas for development and growth, change in character, services, amenities, and the like.

The Strategy will inform the provision of infrastructure, community needs and the assessment of major development and rezoning proposals and provide more detailed precinct and site planning and aims to achieve better coordination between infrastructure, transport, planning, climate change and living infrastructure strategies and delivery of initiatives.

District strategies are to ...inform the preparation of the district policies in identifying areas of potential future land use change and providing guidance on the expected character of development in those areas. District Strategies are to be living documents that is regularly updated and are to reflect “... new ideas, projects, strategies or policies adopted by the Government, and updated Census data, population and employment projections.”

It is worth noting that the District Strategies contemplate the current district context against two timeline horizons; 2046 (~25 year horizon) and 2063 (when Canberra is forecasted to need ~100,000 new dwellings).

The Strategy state that the recent ACT Treasury population projections (prepared in 2022 based on 2016 Census data) suggest that 100,000 additional dwellings in the ACT will be required through to around 2063 based on a substantial increase in population.

Weston Creek is one of the smaller districts (by population) with a 2021 resident total of circa 25,000 persons. Weston Creek by percentage houses the largest population of Retirees (over 64 years old) in the ACT and 46% of people in the District are Mature Adults and/or Retirees.

Over 80% of the housing stock is represented by stand-alone (single houses (80%) while only 4% of housing stock are apartment typologies – this is the highest proportion for a single dwelling type in any Canberra District. About 30% of households in Canberra rent their accommodation and in Weston Creek about 23% of rental households are in rental stress. There is clearly a very limited opportunity available to persons living in Weston Creek to make choices relating to typologies other than single dwelling; dwelling types that presents more affordable housing choices than living in a single dwelling house.



The Strategy forecasts a requirement to generate 800 new homes by 2046 and a further 1,300 homes by 2063 in the District to meet future population demand and note that the majority (over 90%) of these are expected to be medium density in nature.

The district represents an established part of Canberra with infrastructure and centres in operation for many years. The core of economic activity in the district is situated at Cooleman Court and houses the majority of the circa 4,200 jobs, most being Health and Education (38%), Population Serving (32%) and Knowledge Intensive (27%) in nature. The increased population is expected to generate circa 800 new jobs by 2046 and an additional 1,400 new jobs expected by 2063, by far most to be expected in the Health and Education sphere.

The District Strategy acknowledge that an older population (as is the lived experience and future projection for the District) needs types of facilities and services that is different to other districts, and accessibility becomes a more important issue and that provision of facilities needs to respond to changes in demand over time. The community is reported to be asking for (among other matters) housing choices to downsize into, a variety of building heights and connecting people with nature. Some of these themes are reflected in the Key Directions of the Strategy that include:

- Develop more diverse housing in and around the Weston group centre and integrate with rapid public transport corridors.
- Strengthen the cross-district network of community facilities with consideration of demand and existing provision across Weston Creek, Woden and Molonglo Valley districts

The key focus of future development opportunity appears to be limited to a “development arch” starting at the Holder Local Shops, connecting with the Cooleman Court precinct and Warramanga Shops down to the Fisher Shops. There appears to be little thought given to the opportunity that the District Playing Fields and the Stirling CZ6 precinct brings to the District, especially given its strategic location only 800m south of Cooleman Court.

The subject site and the adjoining Block 92 represent one of the best development opportunities in close proximity to the economic core of the District yet it appears that no attention was given or consideration made that acknowledge its current use for recreation and aged care use (education is also ignored) and strategic opportunity for the Division and District community.

The subject site and precinct, history and context

The proponent has been actively considering the future use and development of the Subject site, with and without the adjoining CZ6 vacant land (Block 92) over an extended period of time. Consideration included many engagements with EPSDD to discuss future development opportunities, considerations of Planning Policy changes (Territory Plan Variations), Direct Sale applications, request for release of the land in competitive processes, Government lead Market Sounding programs and the like.

The key focus over more than a decade has been to identify the best use of both the subject land and adjoining Block 92 for a range of uses permissible on CZ6 land as well as extending the use to accommodation/living options that fits well into the current context of the precinct (retirement living and recreation) and recreation.



The unique opportunity of the site revolves around its co-location with the current uses in the immediate precinct, the unique setting with general separation from residential neighbors and large vegetation/tree buffers protection both visual and other amenity of sensitive uses. The quantum of existing recreation and retirement living uses coupled with the adjoining district playing fields represents a unique opportunity to create an integrated mixed use precinct that utilise both CZ6 and living opportunities in a manner that integrate with the area while not adversely impacting on the existing residential character to the east and south.

The proponent commissioned a Social Economic assessment in the last quarter of 2022 to study the local (predominantly Weston Creek) area. The findings of this report echo the District Strategy findings in:

- The population growth is generally stable and expected with Weston Creek being a long-established area in Canberra,
- The population is aging rapidly especially in the 70+ age cohort (persons 85+ cohort is growing fast),
- The job composition in the area shows the largest sectors to be Health Care and Social Assistance, Education and Training and Public Administration and Safety,
- Jobs growth in the study area has been predominantly led by 'Health Care and Social Assistance', 'Professional, Professional, Scientific and Technical Services', 'Public Administration and Safety', and 'Construction'.
- In the 65-85 age cohort, the current population projection suggests a supply-side constraint in terms of down-sizing living options.
- The uses of Retirement Village, Residential Care Accommodation, Club, Medical (Health Facility) and Allied use, Childcare and supporting retail all show a moderately strong to deep market potential in terms of likely demand. Uses supporting these consideration will be needed to underpin and deliver the uses set out.

A second, Market Focused assessment by National Commercial Real-estate firm Burgess Rawson looked at the matter from a different perspective and confirm that the community demand for uses and likely ability to establish an integrated mixed use precinct would be viable.

The Apparent Disconnect and suggested solution.

The District Strategy correctly identifies a growing, aging population, lack of housing and downsizing choices, changing needs in facilities and services and a need to protect the urban character of the District as key considerations into the future.

The Strategy gives no reference to the subject site as a key community asset and provider of social and recreation services nor its importance as a supporting structure to community organisations and sporting teams. In fact, the word Club is used only once in the document in reference to Stakeholder but no other explanation to its importance or relevance is given. There is no mention of the Government Policies around development of Club land, the gaming license surrender program and imposed requirement for Clubs to sustainably diversify into other revenue generating streams.

The subject site and adjoining land already provide a large range of use opportunities that can deliver a substantial offering to the community in line with the services and facilities required to support the future



population. Noting the current site and other uses along Fremantle Drive already forms a hub of entertainment, retirement, and education use situated alongside and well-integrated with the playing fields and the blue-green network dissecting the District east/west in this area, there is a substantial opportunity to continue to build on the legacy and deliver a precinct to meet the need for the broader community in this central location and in very close proximity to the Weston Creek Group Centre.

The Lessee's land and vacant Block 92 to the north represents adequate real-estate to deliver an offering of a critical mass that will be both viable and deliver the range of uses that the community would expect from such a facility while not directly impacting on either the operation of the playing fields to the residential areas to the east and south.

The offering could be focused at lower levels to include, childcare/early learning centres, adult education, medical and allied uses, recreation, club, supporting shop use and the like coupled with multi-unit housing, retirement living and build-to-rent offerings at higher levels (say circa 5-6 storeys). The latter uses are critical to create both a residential population to support said uses, potentially delivering downside opportunities to the aging population within their local community and, importantly, create opportunities for key essential workers (especially in the Health and Education and Population Serving sectors) to live within the community and close to their place of work in affordable housing options. We know by consideration of recent retirement living developments progressed in Canberra that development of this scale for the use are readily accepted and supported by the community, including in localities where taller buildings are situated across a suburban street from lower density residential uses.

The District Strategy is telling us that Weston Creek is suffering for both a lack of housing choices and high levels of rental stress. These factors are likely to push-out essential workers working in the local industries (this is the highest single sector of employment in the District) as they cannot afford the single housing offerings dominating the current housing stock.

The integration of CZ6 uses with retirement living, Build-to-rent offerings and adjoining District Sport and playing fields and retirement/education use in close proximity to Coleman Court across the subject site and adjoining land is a key opportunity that appears to be overlooked in the preparation of the District Plan and unable to be realized in planning policies set out in the Draft Territory Plan.

We request that EPSDD effect changes to the District Plan to recognize the Stirling District Playing Fields/leisure and retirement hub (including the subject site and adjoining Block 92), as a key development opportunity for the reasons set out above and describe the opportunity and unique benefit that this opportunity have for the local community, in both diversifying housing choice, developing downsizing options



and supporting the economy by providing housing options to essential workers employed in the key employment sections in the area.

Changing the Draft Territory Plan to further support these outcomes will fast track the opportunity to realise these benefits for the broader community and Canberra as a whole. We also request consideration to permit the use of the subject site for residential, Retirement Village and Build-to-Rent offerings in conjunction with CZ6 uses as described above.

Acknowledging the site as land that is anticipated to be subject to further and more intense development as a result of Government policy is an important inclusion that should be articulated in the District Strategy. Coupled with a change in the Definition of Club in a manner that is acknowledging its changed operations in part by Government Policy as well as change in business models as a modern, innovative and progressive business will go a long way in supporting the important role organisations such as the Labor Club play in the community and urban fabric and support the changing business and sue models on Club land holdings.

We are available at any time to meet with you or the authority to discuss any matter relating to this submission as may be required. Should you have any further queries, please do not hesitate to contact [REDACTED]

Kind Regards

[REDACTED]