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Gungahlin Community Council Inc.

**Comments and objections for  
Development Application 20039662  
Block 1, Section 13, Gungahlin**

**GUNGAHLIN TOWN CENTRE - Construction of two -  
four storey mixed used complex comprising 90  
residential dwellings, basement car park and rooftop  
plant, retail and commercial space to the ground floor  
and first floor to include a variety of commercial uses,  
retail and Coles Supermarket and Liquor Land.**

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## Introduction

The Gungahlin Community Council Inc. (Council) is an incorporated, not for profit, community-based association operating within the Gungahlin District of the Australian Capital Territory. The Council acts as the peak community representative body in Gungahlin representing the interests of residents of the district.

The district represented covers an area in the north to northwest of the Territory between the ACT/NSW border and the Barton Highway, Federal Highway/Northbourne Avenue to the South and East.

The objectives of the council as defined in its constitution are as follows:

- To preserve and improve the social, cultural, economic and environmental well being of Gungahlin and the Gungahlin Community.

To achieve these objectives the Council undertakes to:

- Consult with members of the Gungahlin community;
- Represent the Gungahlin community, and lobby authorities on the community's behalf;
- Provide a non-political environment where members of the community can express their aspirations, concerns and suggestions;
- Provide a public forum where members of the community can obtain information, support and opportunities to network with others;
- Advise, support and / or assist any organisation with compatible objectives to those that have been adopted by the Council;
- Liaise with members of the public, legislators, officials and community representatives; and
- To provide appropriate information and opinions on matters relevant to the Gungahlin community.

In line with achieving these objectives the Council Executive Committee resolved that a response to development application 20039662 would be made.



## **Comments & Objections Regarding The Development Application**

### **1. IN PRINCIPAL SUPPORT FOR DEVELOPMENT**

The Gungahlin Community Council is generally supportive the proposal as it brings sought after additional Retail, Office and Accommodation options to the Gungahlin Town Centre.

In the opinion of the council there are several components of the development proposal that will need rectification before the development proceeds.

### **2. DISAPPOINTMENT EXPRESSED AT LACK OF ACTIVE CONSULTATION WITH THE COMMUNITY**

The Gungahlin Community Council expresses disappointed that contrary to statements made by the Government in public forums that there would be extensive public consultation prior to development occurring, the only opportunity the community has had to pass comment has been during this public notification period.

The Government has previously indicated that “Community Planning Forums” (and in other areas where CPFs are not formed) and Community Councils, would be actively involved and consulted in developments that are considered “significant” or where other criteria are met. This development proposal is such a development.

It is felt that active engagement with the community could have avoided any potential delays and additional costs that may be incurred by the developer, as issues could have been negotiated and resolved at the early planning stages.

### **3. DEMONSTRATION OF GOOD DESIGN PRINCIPLES: CARPARK INGRESS/EXIT**

The development proposal shows several elements of good design, especially with regard to the public and private car park ingress/egress using East and Gribble Streets. This design should contribute in minimising through vehicular traffic movements along Hibberson Street, it is hoped this design will result in the street being a safer precinct for pedestrians.



However ongoing issues of pedestrian safety, in crossing Hibberson Street, still needs to be properly addressed. In the past the Council has recommended that through vehicular traffic should not be allowed along the entire length of Hibberson Street to increase pedestrian safety.

#### 4. **OBJECTION: RESIDENTIAL DEVELOPMENT COMPONENT IN EXCESS OF FOUR STORIES.**

The residential development within the proposed development does NOT conform to planning guidelines that clearly stipulate:

***PART B2B  
TOWN CENTRES LAND USE POLICIES  
COMMERCIAL 'B'***

***2. CONTROLS***

***2.10 Gungahlin Town Centre [V53]***

***b) Building Height***

***Building height shall not exceed 4 storeys and shall not be less than 2 storeys (except for service stations, community facilities or ancillary structures, which may be one storey where circumstances require).***

Analysis of the plans shows that the proposed development is actually 6 stories high for the residential components.

Definitions for calculation of stories are as follows:

***APPENDIX III.2  
RESIDENTIAL DESIGN AND SITING CODE  
FOR MULTI-DWELLING DEVELOPMENTS***

***PERFORMANCE CONTROLS:***

***Definitions:***

***Attic means any habitable space contained wholly within a roof pitched at not***



*more than 36 degrees above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like. [V200]*

***Basement*** means a space within a building where the floor level of the space is predominantly below natural ground level and where the finished floor level of the level immediately above the space is less than 1.0 metre above natural ground level. [V200]

***Lower floor level (LFL)*** means a finished floor level, which is 1.8 metres or less above natural ground level at any point.

***Natural ground level (NGL)*** means the ground level before excavation or filling.

***Storey*** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor level above, the ceiling or roof above but does not include an attic or a basement. [V200]

Definition of permissible building height for Gungahlin Town Centre:

### ***DRAFT PLANNING GUIDELINES & CODES***

#### ***GUNGAHLIN TOWN CENTRE CENTRE AND CENTRAL AREA ACT PLANNING AUTHORITY – NOVEMBER 1999***

##### ***1.0 TOWN CENTRE GUIDELINES***

##### ***1.2 BUILDING HEIGHT***

***1. Maximum building height in the Town Centre is four stories, with attic accommodation permissible in the 30-degree roof space above that, and semi-basement car parking is permissible in locations outside the Town Core where it will have no adverse effect on the continuity and vitality of the street frontage.***

The Council calculates six-story height of the development as follows:

- Basement (not counted)
- Ground Floor (1<sup>st</sup> storey)
- Upper Ground (2<sup>nd</sup> storey)
- 1<sup>st</sup> Floor (3<sup>rd</sup> storey)
- 2<sup>nd</sup> Floor (4<sup>th</sup> storey) – permissible maximum height



- 3<sup>rd</sup> Floor (5<sup>th</sup> storey) – in excess of permitted height
- Loft Level (6<sup>th</sup> storey) – fails to meet criteria for an “attic”

*[refer section plan - document CGD/A/2802-1]*

## 5. OBJECTION: OVERSHADOWING.

The Council submits that the residential component as proposed at six stories will cause overshadowing of Gungahlin Place and “The Common” and “East Street” on the other side of the development.

## 6. OBJECTION: GROUND FLOOR RESIDENTIAL USAGES ON GUNGALHIN PLACE AND EAST STREET.

The Council submits that residential development is inappropriate and in breach of the Territory Plan provisions for Ground floor levels on Gungahlin Place and East Street frontages.

The Council believes that the proponent has misinterpreted the formal planning documents in arriving at a conclusion that residential would be allowed in a retail core area of a Town Centre.

Within the Part B2B, Town Centre Land Use Policies – Commercial B it is stated:

***PART B2B  
TOWN CENTRES LAND USE POLICIES  
COMMERCIAL 'B'***

***1. OBJECTIVES***

*The objectives of the Town Centres (Commercial 'B') Land Use Policies are:*

*a) to provide the main focus for the district population for shopping, community and cultural facilities, entertainment and recreation;*

*e) to maintain and enhance environmental amenity and encourage a standard of urban design consistent with the function of the centre; and*

*f) to encourage activities particularly at street frontage level which contribute to pedestrian activity and social interaction.*



## **2. CONTROLS**

### *2.3 Main Pedestrian Areas and Routes*

*c) Retail uses, Display windows, Shop fronts and Business agencies, Clubs, Drink establishments, Financial establishments, Hotels, Indoor recreation facilities, Indoor entertainment facilities, Public agencies, Restaurants, Shops, Community activity centres and similar uses shall be encouraged along building frontages to main pedestrian areas and main pedestrian routes.*

## **4. AREA SPECIFIC POLICIES**

### *4.1 Precinct 'a' - Retail Core*

#### *Objectives*

- a) to make provision for a range of retail and service outlets accessible to consumers;*
- b) to make provision for an efficient distribution of retail functions;*
- c) to promote evening and weekend activity;*
- d) to encourage the provision of an attractive pedestrian environment; and*
- e) to provide safe access to shops for pedestrians and for consumers by public and private transport.*

#### *Controls*

##### *b) Gungahlin Town Centre [V53]*

- i) Active frontages incorporating Business agency, COMMUNITY USE, Public agency, Restaurant, Shop, or similar uses shall be required at ground floor level building frontages along streets within the retail core;*
- ii) Business agency, Cultural facility, Office, RESIDENTIAL USE, Restaurant, Shop or similar uses shall be the only uses permitted on the first floor level of buildings within the retail core;*
- iii) Offices shall not be permitted above the first floor level of buildings in the retail core to encourage the development of residential and commercial*



*accommodation uses above first floor;*

## **7. OBJECTION: ALL CAR PARKING NEEDS TO BE PROVIDED ON-SITE**

In the event that the maximum development configuration of 10,182 m<sup>2</sup> (GFA) is constructed any shortfall in parking should be accommodated onsite without reliance to on-street car parking on the four frontages to Section 13.

It has been noted in the Gungahlin Urban structure Plan Traffic Engineering Issues report (TTM Consulting Pty Ltd; November 27, 2001) that:

- Gungahlin Place will be: One way, Parallel Parking on one side only – 5.5m Carriage Width
- Gribble Street will be: Two way, Parallel Parking on both Sides – 10.6m Carriage Width
- East Street will be: Two way, Parallel Parking on both Sides – 10.6m Carriage Width

**These roads do not conform to the provisions of AS 2890.5 1993 *Parking Facilities, Part 5 On-street Parking.***

Apart from the obvious safety issues from non-conformance to applicable standards for on-street parking, given that this Section is in the Retail Core it is unreasonable to assume that parking provisions will be other than “*Set Down and Pick Up zone*”, “*5 minute parking (or equivalent)*”, “*Disabled*”, “*Loading Zone*” and/or “*Buses, Taxis and Emergency/Authorised Vehicles Only*”

## **8. OBJECTION: INSUFFICIENT PROVISION BY WAY OF AT LEAST 10% ADAPTABLE HOUSING**

The Council submits that the proposal fails to meet the requirements of the ACT INTERIM PLANNING GUIDELINES FOR ACCESS AND MOBILITY – 2003 which has legal effect on the Register of Planning Guidelines.

Section 4.2.2 clearly states:



#### ***4.2.2 Access Required To New Residential Development.***

##### ***Objective***

*Introduce standards for Adaptable Housing to recognise the diverse needs of the community, particularly people with disabilities and older people. The following guidelines apply to new multi unit developments and major alterations/extensions to existing communal areas within multi unit developments.*

*(d) Multi- Unit Housing, including townhouses, villas, serviced apartments and flats in A10 Residential Core Areas defined by Variation 200 and the B1, B2, B11, B12 and B13 areas, and Town, Group and Local Centres as defined in the Territory Plan.*

##### ***Adaptable Housing***

*For proposals for multi unit housing consisting of 10 or more dwellings in the A10 Residential Core Areas defined by Variation 200 and the B1, B2, B11, B12 and B13 areas, and Town, Group and Local Centres as defined in the Territory Plan, 10% of units being adaptable is considered to satisfy the relevant principle in the Territory Plan relating to adaptable housing.*

*Adaptable units are to comply with AS4299 Class C (Adaptable Housing) and be certified by a suitably qualified person. Adaptable units should be located throughout the building in a variety of locations, level and outlooks and cover a range of unit designs. Providing adaptable units on a range may not be appropriate if there is not lifted access available or planned for.*  
***Controls***

## **9. OBJECTION: PROPOSED NOISE IMPACT FOR RESIDENTIAL DWELLINGS**

The Council submits that the permissible noise levels as proposed in the HQSD documentation are too high.

The Office of the Commissioner for Land and Planning on Development Application 20026521 (Blocks 2&2, Section 61&62) Gungahlin, has now set precedence for Noise Management provisions in the Gungahlin Town Centre for residential dwellings adjacent or in



the Retail Core areas with the following decision:

***NOTICE OF DECISION – PURSUANT TO PART 6 OF THE LAND  
(PLANNING AND ENVIRONMENT) ACT 1991***

***APPLICATION 20026521, DATE LODGED 10 DECEMBER 2002***

***2.0 DECISION***

***Noise Management***

*8. that the walls and floors between the dwellings are to –*

- (a) achieve a Weighted Sound reduction Index (Rw) of not less than 55;*
- (b) comply with the provisions of Australian Standard AS2107 – 1987:  
Acoustics – recommended Design Sound Levels and Reverberation  
Times for Building Interiors;*
- (c) comply with the relevant standard in the Building code of Australia;*  
*or*
- (d) comply with the relevant noise transmittal standards in the  
Environment Protection Act 1997;*

*Whichever is the higher standard (i.e. Achieve greater noise attenuation).  
The design of building elements required to achieve this standard is to be  
endorsed by a suitably qualified person before building approval under  
the Building Act 1972 for other than demolition is issued. A copy of this  
endorsement and the relevant details are to be lodged with PALM before  
the completion of the building.*

*9. that internal noise levels (with windows and doors closed) within habitable  
rooms facing Ernest Cavanaugh Street are to*

- (a) be not greater than 38 dB L<sub>A10</sub> 18 hour for sleeping areas and not  
greater than 43 dB L<sub>A10</sub> 18 hour for recreation and work areas, or*
- (b) comply with Australian Standard AS3671: Acoustics – Road Traffic  
Noise Intrusion, Building Siting and Construction,*

*Whichever is the higher standard (i.e. Achieves a greater noise attenuation).  
The building design required to achieve this standard is to be endorsed by a  
suitably qualified acoustic consultant before building approval under the  
Building Act 1972 for other than demolition is issued. A copy of this  
endorsement and the relevant details are to be lodged with PALM before the  
completion of the building.*



## 10. COMMENT: Provision of Affordable Housing:

The Council submits that it would be preferable to see a lease condition clause that provides for a percentage of dwellings in the proposed development to be developed as “AFFORDABLE” accommodation in accordance with recommendations of the ACT Affordable Housing Taskforce.

Council believes that Recommendation 33 of the Final Report of the ACT Affordable Housing Taskforce should be given considerable weight. Refer extract:

*ACT GOVERNMENT RESPONSE TO “STRATEGIES FOR ACTION” FINAL REPORT OF THE ACT AFFORDABLE HOUSING TASKFORCE MAY 2003. A document authorised by Mr Bill Wood MLA, Minister for Disability, Housing and Community Services:*

### ***Recommendation 33:***

*It is recommended that the ACT Government introduce inclusionary zoning based on 3-4 per cent of the floorspace or its cash equivalent for all multi-unit/block residential development. Further, it is recommended that both the housing stock and funding created be provided to, and managed by, affordable housing providers, the latter to be used to acquire additional affordable housing.*

### ***Noted, for further investigation.***

*The Government supports the consideration of mechanisms to increase affordable housing in the ACT. It should be noted that flexibility for achieving affordable housing in group and town centres already exists through the current master planning processes.*

*The recommended 3-4% handback option in new multi-unit development sites will be examined, especially in relation to ensuring a transparent and effective implementation approach.*

*The Government will also consider the options for cash equivalent payments by developers to be made in lieu of physical provision of affordable housing in multi-unit/block residential developments, as suggested by the Taskforce. In consideration of any cash equivalent payments, it will be important to ensure that the arrangements provide new, or additional revenue to the Territory, rather than a substitution of the government's existing revenue base. In addition, issues of accountability to the community and the*



*Government will also need to be considered.;*

**11. COMMENT: INSUFFICIENT PROVISION OF PAVING SPACE ON GUNGAHLIN PLACE / “THE COMMON” EDGE.**

The Council submits that the widened paving area should be extended south along the Gungahlin Place / “The Common” frontage to encourage street-walk cafés and restaurants thus further promoting an active frontage and community interaction. This will also maintain a clear structured walk space in front of the shop fronts.

The Council appreciates that providing this enhancement is not a function for the developer but rather a function of the proposed infrastructure that is to be provided by the Land Development Agency.

**12. OBJECTION: LEASE DOCUMENT FOR SECTION 13 NOT YET ISSUED AND UNAVAILABLE FOR PUBLIC SCRUTINY.**

The Council was initially verbally advised by “Nadia” of ACTPLA Applications Secretariat that no Lease document for Section 13 had yet been issued by the Land Development Agency.

Further TELCON confirmation with Mr. Chris Webb of the Land Development Agency (5/12/03) confirmed that the lease document was unavailable for public scrutiny and consideration at this time. Until the lease is issued, it is considered Commercial (in Confidence). Mr. Webb stated that the Development Application would be in accordance with the Lease Conditions and further the DA could not be approved until the lease was actually issued.

The Council has no way of verifying the fact that the DA is consistent with the lease and has in the past noted that often development applications are not in accordance with the lease conditions when scrutinised at a detailed level.

The Council has grave concerns of the actions of ACTPLA and the Land Development Agency permitting a Development Application to be lodged and open for comment when all the associated documentation has not yet been completed

Unfortunately due to the way this development application has been handled there is the possibility of a suggestion that the lease



documents could be altered prior to issue to address any unfavourable comments or objections that may have arisen during the public notification process.

## **Conclusion**

The Gungahlin Community Council is generally supportive to the development application. Whilst not wanting to introduce delays in the provisioning of new infrastructure and facilities we wish to see issues as outlined above appropriately addressed and resolved in an expedient manner before development commences.

Please note that the Council would be happy to meet with ACTPLA and the developer to discuss resolution and or provide a public forum for community presentation and consultation.

The Council reserves the right, if the matters are not appropriately resolved, to use all avenues open to ensure that the matters are suitable addressed in the interest of the Gungahlin Community.

The Council would also be appreciative of written feedback on how the issues raised will be addressed.