



***Gungahlin
Community
Council Inc.***

PO Box 260
Gungahlin ACT 2912

Phone: (02) 6255-0941

Email: info@gcc.asn.au

Web: www.gcc.asn.au

Gungahlin Community Council Inc.

**Comments and objections for
Development Application 200400009**

Block 1, Section 14, Gungahlin

**GUNGAHLIN TOWN CENTRE - Proposal: Construction
of Big W store, retail and commercial tenancies and
residential units to east and west of store, as well as
associated site works.**

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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, but excluding the village of Hall.

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 20040009 would be made.



Comments & Objections Regarding The Development Application

1. COMMENT: IN PRINCIPLE SUPPORT FOR DEVELOPMENT

The Gungahlin Community Council is generally supportive of 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 (objections) to the development proposal that will need rectification before the development can proceed.

2. OBJECTION: DISAPPOINTMENT EXPRESSED AT LACK OF ACTIVE CONSULTATION WITH THE COMMUNITY

The Gungahlin Community Council expresses disappointment 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 and more recently the Minister for Planning has indicated that “Community Planning Forums” and (in other areas where CPFs are not formed) 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. Given that this development has a GFA in excess of 7,000m² this development is considered “significant”.

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. OBJECTION: ALTERATION / REZONING OF GUNGAHLIN TOWN CENTRE LAND USES.

The Gungahlin Community Council expresses concern with what appears to be the process by which rezoning of the Gungahlin Town Centre from Retail Core (A) to Business Area (B) uses is occurring,



The Territory Plan (specifically Variation 53) and all associated and relevant control and guideline documents clearly indicate that a Retail Core to the Gungahlin Town Centre will be uniformly applied across the six main anchor blocks centred along Hibberson Street.

The Council's primary concern is that rezoning portions of these areas to Business Area (B) and allowing ground floor residential development in areas (previously) zoned Retail Core (A) will preclude active street frontages and compromise the heart of the Town Centre. This will also significantly change the nature and fabric of the Town Centre from what was anticipated on the basis of the original consultation process and long standing planning documents.

It has come to the attention of the Council in separate Development Applications for two of the core retail anchor blocks (This application and Section 13), that the proponents are proposing ground floor residential usage along the new Gungahlin Common (a southern extension to Gungahlin Place) as well as along Gozzard, Gribble and East Streets.

HQSD documentation associated with this development application also indicates that the Authority intends to rezone Retail Core (A) areas to Business Area (B) when the land is "undefined", additionally the most recent online version of Territory Plan maps (02/02/04) for the Gungahlin Town Centre now shows a complete lack of any Retail Core (A) zoning.

Whilst the Council acknowledges that the Gungahlin Town Centre is (for the large part) still classified as Defined Land, these changes will result in a significant alteration from the intent of Variation 53, applicable guidelines, codes and publicly communicated original plans for the Gungahlin Town Centre as progressively and interactively developed with the former Gungahlin Development Authority over an extended period of time.

These initial planning processes involved extensive community consultation and had general community acceptance. It is feared that these changes will significantly compromise the further development and viability of the Town centre, marginalising it when compared to the other town centres in the Territory.

4. OBJECTION: GROUND FLOOR RESIDENTIAL USAGES ON GUNGAHLIN PLACE AND GOZZARD STREET.



The Council submits that residential development is inappropriate and in breach of the Territory Plan (V53), Controls and Guideline provisions for Ground floor levels on Gungahlin Place and Gozzard Street frontages.

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

From provided documentation it would also appear that ACTPLA is complicit by suggesting that alterations can be made to Land Use zoning from Retail Core (A) to Business Area (B) uses.

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;*

The Council further submits that any wall, screen, grill or gate treatment is unacceptable along Gozzard and Gungahlin Place in achieving an active street frontage. This frontage should be a conventional retail/commercial street frontage similar (though not necessarily identical).to what will be found along Hibberson Street

The Council also notes that in Section 7. Responses to issues raised



at HQSD Meetings – 7.2 Concerns raised by Design review Panel Meeting held on 20 November 2003 and listed in the letter dated 28 November 2003, point 2.2 stated (in extract):

2.2

One of the main principles of the Gungahlin Plan is the commercial activation of the streets. Whilst it is understood, initially there might be some difficulty in enticing commercial activity at ground level along Gozzard Street and Gungahlin Place; the panel is concerned that long term commercial activity at ground level may be compromised by a design, which promotes residential ground floor.

The council submits that a mechanism needs to be incorporated into either the lease and/or development approval conditions that either exclude completely ground floor residential usage along Gozzard and Gungahlin Place and/or provide a legally enforceable mechanism to ensure that if residential development occurs initially a conversion to COMMERCIAL USES can be enforced at the appropriate time..

5. OBJECTION: ALL CAR PARKING NEEDS TO BE PROVIDED ON-SITE DUE TO LACK OF CONFORMANCE OF ONSTREET PARKING WITH AS 2890.5

In the event that the maximum development configuration of 30,870 m² (GFA) is constructed any shortfall in parking should be accommodated onsite without reliance to on-street car parking on the four frontages to Section 14.

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
- Gozzard Street is: Two way, Parallel Parking on both Sides – (recheck)m 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”

TELCON Discussions with Mr. Tony Gill (Director) ACT Roads has indicated that on-street parking is generally not permitted where a road does not meet the Australian Standard.

Section 2.2 Parallel Parking and Section 2.4(a) Roadway Width Limitations for Parallel and Angle Parking of the Australian Standard AS2890.5 – Parking Facilities, Part 5: On-street parking states

2.2 PARALLEL PARKING

2.2.1 General characteristics *Parallel kerbside parking in the direction of traffic flow is the basic method of parking provided for in regulations. It presents, under properly controlled conditions, the least impediment to the orderly and regular flow of traffic along a road. The number of vehicles able to parallel park along any given length of kerb is not as high as in angle parking, but it has the advantage of minimizing accidents associated with parking and unparking manoeuvres. Parallel parking is also the best system for use where parking must be provided and street capacity must be kept to a maximum, because it requires a lesser width of roadway for parking and manoeuvring.*

2.2.2 Dimensions and layout of parking spaces *Figure 2.1 shows typical layouts of parallel parking spaces. The minimum width of these spaces for various uses is given in Table 2.1 (see also Clause 2.4(a)).*

**TABLE 2.1
WIDTH OF PARALLEL PARKING SPACES**

| Space usage | Space width, minimum m |
|--|-----------------------------------|
| <i>Cars and light commercial vehicles, normal conditions</i> | <i>2.3</i> |
| <i>Cars and light commercial vehicles, restricted roadway width,</i> | |



parking of wide vehicles unlikely and where a continuously marked narrow parking lane will aid traffic flow 2.1

Trucks and buses 2.6

To provide orderly parking, it is desirable to mark parking spaces in areas of high demand and turnover. Pavement markings shall be in accordance with AS 1742.11, which also details pavement messages that may be marked on the road to supplement parking sign controls and help users to recognize the applicable parking restrictions.

2.4 ROADWAY WIDTH LIMITATIONS FOR PARALLEL AND ANGLE PARKING

The types of parallel or angle parking which can be permitted on a through roadway will depend on the width of roadway and traffic volumes, with an additional allowance for high speed traffic. Restrictions on parking related to some functional classifications of road or abutting land uses may also be applied. Width limitations which should be observed when determining the type of parking appropriate in a particular case, are as follows:

(a) Parallel parking Under low speed urban conditions, i.e. traffic speeds past the site generally not exceeding 60 km/h, the width from kerb to left-hand edge of the nearest moving traffic lane that should be provided is the parking space width from Table 2.1, plus 0.5 m clearance. This clearance should be increased by 1.0 m for each 10 km/h by which traffic speeds exceed 60 km/h, up to a maximum of 3.0 m.

The Council is also aware that ACTPLA has considered alternative street treatments around blocks 9 and 13.

The Council submits that a similar street treatment as proposed for the other Retail Core (A) blocks be adopted for this development application. It is understood that the modified treatment to street verge (better providing for street trees and allows increased sidewalk/paved area). Such a treatment is also understood to result in the deletion of a significant number of on-street car parking places on Hibberson Street.

6. OBJECTION: INSUFFICIENT PROVISION OF RESIDENTIAL PARKING FOR 2 BEDROOM UNITS AND REDUCTION IN PARKING PLACES ON BASIS OF COMPLEMENTARY USES UNSUBSTANTIATED AND SPECULATIVE.



The Council submits that residential parking levels for 2 Bedroom units do not meet the standards as set by the ACT Parking and Vehicular Access Guidelines.

Section 3.1.5 – Schedules of the Parking provision Rates for residential Land Use Policies areas states:

3.1.5 Schedules of Parking Provision Rates for Residential Land Use Policies areas

The Parking provision rates for the provision of parking in the Residential Land Use Policies areas are set out in the Schedule below.

Schedule 1 - Residential Land Use Policies Areas

..

*Apartment 1 space/unit for single bedroom dwellings
 2 spaces/unit for dwellings with two or more bedrooms*

OR

*1.5 spaces/unit for two bedroom units in a multi-unit complex if provision beyond space can be shared ***

plus

0.25 visitor spaces/house or unit where a complex comprises 4 or more units

The Council is prepared to concede that visitor spaces can share retail/commercial parking, as peak demands will generally not coincide.

The Council also submits that reduction in parking demand due to the number of alleged “complementary uses” on the site is purely speculative. A reduction of the number of parking spaces in general by 5% cannot be supported as an efficiency dividend without supporting documentation or examples of where this outcome has been achieved in similar circumstances within the ACT.

7. 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.

Whilst the Council maintains a strong objection to any Ground Floor dwellings in this development application - The Council submits that in meeting the requirement for 10% adaptable housing provision this must be met by providing units above ground floor level on the basis that Ground Floor units may at a later date be converted to Commercial uses. This could result in the 10% criteria being met initially, however as ground floor units are converted the number could drop below the required level.

Section 4.2.2 of the ACT Interim Planning Guidelines for access and mobility 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*

8. OBJECTION: PROPOSED NOISE IMPACT FOR RESIDENTIAL DWELLINGS

The Council advises that an Acoustic report was not available for analysis in the Development Application.

The Council submits that a standard no less than that mandated by the Office of the Commissioner for Land and Planning on Development Application 20026521 (Blocks 2&2, Section 61&62) Gungahlin, should be a condition of development. That decision set a precedent 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_{A10} 18 hour for sleeping areas and not greater than 43 dB L_{A10} 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.

9. 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.

The Council also acknowledges that this comment is not legally enforceable, but it would be considered a goodwill gesture if the Developer consider making a written offer to ACT Housing to allow purchase of a number of units for affordable housing uses.

The Council also contends that such a written offer would show that the developer intends to be a good long term corporate citizen of the Gungahlin District, and also ensures that Government housing has the opportunity to be properly integrated into the Town Centre fabric in the first instance.

To this effect the 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.;

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

The Council submits that a 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 necessarily a function for the developer (dependant on offsite works



required) but rather a function of the proposed infrastructure that is to be provided by the Land Development Agency.

11. OBJECTION: LEASE / DEED OF AGREEMENT DOCUMENTATION FOR SECTION 14 NOT YET ISSUED AND UNAVAILABLE FOR PUBLIC SCRUTINY.

The Council has been unable to obtain either a copy of the Holding Lease / Deed of Agreement and/or Crown Lease. It is understood that these documents are still not finalised at this time.

The Council submits that it has grave concerns that “final” documents could potentially be in contravention of the Territory Plan and relevant planning guidelines and codes. The Council further advises that should it be found that an officer of the ACT Government has issued Deed of Agreement and Lease Documents that contravene the Territory Plan and relevant planning guidelines, controls and codes, then the Council will not hesitate in pursuing redress of the matter to the fullest legal and political extent.

Additionally 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 submits that the actions of ACTPLA and the Land Development Agency in permitting a Development Application to be lodged and open for comment when all the associated documentation has not yet been completed are a breach of proper process.

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.