



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

Jo Clay MLA (Chair), Suzanne Orr MLA (Deputy), Mark Parton MLA

Submission No 7 -

Landco Pty Ltd

Inquiry into DV 364 -

Gungahlin Town

Centre

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Submission to the Standing Committee on Planning and Urban Renewal

Inquiry into Territory Plan Draft Variation 364

on behalf of LandCo Pty Ltd

16 July 2021

Prepared by: Canberra Town Planning

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16 July 2021

Committee Secretary
Standing Committee on Planning and Urban Renewal
Legislative Assembly for the ACT
GPO Box 1020
Canberra ACT 2601

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Submission to the Planning and Urban Renewal Inquiry into Territory Plan Draft Variation 364

Dear Sir/Madam,

Thank you for the opportunity to provide commentary in relation to the Inquiry into Territory Plan Draft Variation 364 (DV364) for proposed variations to the Gungahlin Precinct Code. This submission is made on behalf of the Lessee for Block 6 Section 88 Gungahlin, Landco Pty Ltd.

The submission outlines considerations for the amendment of controls applicable to Precinct 2a of the Gungahlin Precinct Code (as presented under Draft Variation 364 and subject to interim effect), which includes mandatory development provisions for the abovementioned block.

Included with this submission at **Appendix A** is a copy of the Lessees' original submission made to Draft Territory Plan Variation 364, which provides the background and current development context for the site and outlines the basis for proposed amendment of the Gungahlin Precinct Code.

We trust that this submission clearly outlines our reasons for seeking an amendment to the Gungahlin Precinct Code.

The Lessee confirms that they would be willing to attend a public hearing on this inquiry. Please do not hesitate to contact the undersigned in this regard.

Yours Sincerely,



Nichelle Jackson
Director - Senior Town Planner
Canberra Town Planning

Inquiry into Territory Plan Draft Variation 364

The submission details the concerns of Landco Pty Ltd as Lessee of Block 6 Section 88 Gungahlin in relation to the proposed and current changes to the Gungahlin Precinct Code that are the subject of Recommended Draft Variation 364 dated February 2021.

The current changes to Precinct 2a – Mixed Use North West (formerly identified as the Business Park Precinct) within which the subject block is located were introduced with interim effect under section 65 of the *Planning and Development Act 2007*.

1. Planning background

Refer to **Appendix A** included with this submission for the planning context in relation to the subject site.

It should be emphasised that all blocks within Precinct 3a are either already developed, or development has been previously approved and/or is under construction. Block 6 Section 88 Gungahlin remains the only block within this precinct that has not been previously developed, and therefore the proposed Variation substantially impacts the potential of the subject block compared to other blocks within this precinct.

2. EPSDD response to DV364 submission

A response to matters raised as part of the DV364 submission made by the Lessee was received from the Environment, Planning and Sustainable Development Directorate (EPSDD) on 14 April 2021. This information is included at **Appendix B** and comprises shadow analysis that has been undertaken by EPSDD on the subject site.

The effort taken in preparing a response to the submission is appreciated. In response to the analysis undertaken as part of EPSDD's response, we provide the following comments.

- The validity of the analysis is questioned, as the 2D images do not clarify the extent of shadow cast to surrounding buildings in the vertical plane. This is significant as Block 6 is a sloping site that falls away from Swain Street. It is suggested that a 3D dimensional analysis would better describe the potential shadow impacts for the development.
- The built forms indicated on the shadow analysis do not necessarily reflect the forms that would be envisaged on the site, particularly to the south of the block.
- It is noted that the first three levels of the existing Ruby development at 8 Gribble Street Gungahlin to the west of the subject site comprise podium car parking levels that do not require solar access.
- The shadow analysis does not consider the impact of overshadowing from surrounding buildings, and how existing development would impact the ability of Block 6 to achieve solar access to upper levels. The opportunity for reasonable solar access on Block 6 would be enhanced through permitting a building height similar to other developments approved and constructed within Precinct 3a.

On the basis of these observations, it is considered that the overshadowing impacts of development can be managed in the considered location of taller elements within the block, rather than through restricting the overall building height to a maximum of 12 storeys.

3. Building height provisions

Block 6 Section 88 Gungahlin is located within 'area b' under Figure 16 of the recommended Gungahlin Precinct Code, which permits a mandatory maximum building height of 12 storeys and not more than 42 metres.

The Lessee contends that the proposed limitation in maximum building height on the subject block will result in an inferior development outcome for the site and the Precinct for the following reasons:

- Given that the nature of land use for the precinct has evolved over time from a commercial to residential character, development of the subject block would appear to tend towards a residential mixed use outcome.
- A maximum 12 storey building height for the site would impact on the ability of development to achieve reasonable solar access that would be required for a residential development, as surrounding development is substantially taller than 12 storeys
- If the maximum building height for the site is limited to 12 storeys, the number of storeys that are available for residential development will be limited, given that the size and orientation of taller building elements will need to be considered to preserve amenity for surrounding development. On the basis of construction methodology and feasibility requirements for this location, the building height limitation would not support a development outcome that includes above ground carparking, therefore residential development would need to be located closer to ground level and this would result in reduced opportunities for solar amenity within the development.
- Owing to the presence of above ground structured parking outcomes for surrounding development, the effective 'ground plane' for residential development within this precinct starts at the third storey. For reasons of amenity, development on the subject site should ideally adopt a similar configuration.
- A maximum building height of 42 metres does not allow for a total of 12 storeys for a commercial development outcome, as under current construction standards a minimum floor height of 3.7 metres would be required to accommodate required clearances and services. On this basis, only 11 storeys could be constructed. It is suggested that the 42 metre limitation should be extended to reflect this possibility.
- The proposed building height for the site should be considered in the context of equitable development opportunity. Block 6 is the last site for development within Precinct 2a, and for this reason shadowing impacts from development are inevitable. Previously developed blocks within the precinct did not experience this constraint.
- The opportunity for increased building height is available across other precincts of the Gungahlin Town Centre and elsewhere, for example recently approved or constructed high rise developments in the Woden Town Centre.
- It is noted that planning controls for sites within other parts of the Gungahlin Town Centre (for example, Figure 17 of the recommended Precinct Code) apply a building envelope to sites that permit an increased building height internally to the block. It is suggested that a similar built form outcome could be included for the subject site to provide for increased height at certain parts of the block to manage potential impacts on surrounding development in the same way intended by these building envelopes.

For these reasons, it is considered that the maximum building height opportunity for Block 6 Section 88 Gungahlin be reconsidered and increased to reflect the opportunity available to existing surrounding developments.

4. Clarification of area definition under rule 46

It is noted that the recommended Variation at rule 63 states:

A minimum of one (1) of the following uses is provided at the ground floor level adjacent to the street or main building entry for buildings of 2,000m² or greater:

- a) Business agency*
- b) Drink establishment*
- c) Health facility*
- d) Public agency*
- e) Restaurant*
- f) SHOP with a maximum GFA of 200m²*

We seek to clarify whether the 2,000m² referred to under this rule is intended to apply to the building footprint or its gross floor area, as this is not explicitly stated.

Conclusion

In summary, the Lessee for Block 6 Section 88 Gungahlin considers that the maximum building height of 12 storeys that is proposed for the subject site would result in an inferior built form outcome for the site that will compromise the amenity of future development in this location, particularly important given that the character of land use within this precinct has shifted from a commercial to residential nature.

In the context of previously prepared information included as appendices to this report, it is expected that this submission has clearly outlined the matters of concern for Landco Pty Ltd in relation to the proposed Territory Plan Variation 364 for the Gungahlin Town Centre.

We remain available to discuss any aspect of this submission further as required.

Appendices

Appendix A – Submission to DV364 (October 2019)

Appendix B – EPSDD response to DV364 submission (April 2021)

Appendix A – Submission to DV364 (October 2019)

18 November 2019

Territory Plan Section
GPO Box 158
Canberra ACT 2601

By e-mail: terrplan@act.gov.au

Dear Sir/Madam,

RE: Submission on Territory Plan Draft Variation 364 - Gungahlin Precinct Code

Thank you for the opportunity to comment on Draft Variation 364 (DV364) to the Territory Plan proposing additional controls within the Gungahlin Precinct Code, following the release of the Gungahlin Town Centre Planning Refresh in late 2018. These comments are provided by the Lessee of Block 6 Section 88 Gungahlin, Landco Pty Ltd, a block located within the Mixed Use North West Precinct area of the Gungahlin Precinct Code.

Noting that the Draft Variation was introduced with interim effect under Section 65 of the *Planning and Development Act 2007* for proposals submitted after 23 August 2019, this submission outlines concerns in relation to the changes to the Precinct Code, and in particular the immediate impacts on the development opportunities of Block 6 Section 88 Gungahlin as a result of new and revised planning controls.

This letter outlines matters for consideration in relation to the Draft Variation, and is supported by response to the rules and criteria of the Precinct Code and an analysis of development within the Mixed Use North West Precinct of the Town Centre that supports the observations outlined in this submission.

The submission is structured as follows:

- Background
- Impact on opportunities for development
- General concerns
- Stakeholder consultation

Background to development in the Mixed Use North West precinct

Block 6 Section 88 Gungahlin is currently an undeveloped parcel of land that is zoned 'CZ2 – Business'. The block is the second largest within the Mixed Use North West Precinct at 6,015m², and is centrally located within the Mixed Use North West Precinct and is fronted by both Gribble and Swain Streets, with a fall of approximately 5 metres along its Swain Street frontage towards Gribble Street.

The Lessee has previously engaged with the ACT government in relation to changes to the Precinct within which Block 6 is located. The character of this precinct has substantially changed since the original Gungahlin Town Centre master plan was developed, due to changes in the distribution of land uses and market response to land releases.

The Lessee acquired Block 6 in 2010, when the precinct was marketed for and intended for development as the Gungahlin Business Park. The Lessee has been actively seeking commitments from potential commercial occupants over this period, including Federal government entities, in order to commence development of the site. In the time since acquiring the site, the Lessee has not pursued a development application for any proposal on the site, despite having tendered to a number of Federal government entities for development of the block.

Impact on opportunities for development in the Town Centre

The introduction of Draft Variation 364 within interim effect has had immediate consequences to the development potential of Block 6 that are in place for the next year. Since all but three blocks within the Mixed Use North West Precinct have been developed, the impact of these changes disproportionately and inequitably burden the Lessee of Block 6.

With the changing character of the Precinct and Gungahlin Town Centre, the developer has been unable to secure a potential occupant and the site remains undeveloped at this time. The highest and best use of the site is for office and commercial uses, however the changing character of the precinct as outlined in the Concept Precinct Code favours development for mixed use residential use at Block 6 similar to the establishing pattern of surrounding development.

Block 6 can accommodate a development of greater than 36,000m² of gross floor area and the block's shape and size would support the efficient configuration of basement or podium parking levels for commercial development.

The change in character for this precinct of the Town Centre and limitations on building height and form for Block 6 impact the site for commercial development; and as at the time of writing the site was under consideration of a tender for a development of this type. Under the Draft Variation, the ability to design a building on the site that would meet a larger commercial occupant's requirements is now more difficult.

This amendment does not facilitate Desired Planning Outcome (n) of the Precinct Code in supporting a strong employment base in the district of Gungahlin, noting that the Draft Variation amends this outcome to weaken its intent to only “provide for a range of employment in the Town Centre”.

Whilst the authority’s decision to change the Precinct’s name from “Urban Residential” as proposed in the Concept Precinct Code to “Mixed Use North West” is noted, the nature of the amendments to the planning controls now in effect for this Precinct continue to favour a residential development outcome for Block 6. Though residential use is permitted for the CZ2 zone applicable to Block 6, the subject Crown lease was not issued with residential uses intended, therefore the Lessee would be required to vary the Crown lease to activate residential uses and incur substantial lease variation charges to achieve this outcome, which was never intended by the Lessee.

General concerns

Understanding that the nature of development within the Town Centre has changed over time and will continue to do so with further land releases planned for the Centre over the next 4 to 5 years, we remain generally supportive of DV364’s intent, however there remain a few matters for concern in relation to changes proposed.

It is our view that the changes to the Precinct Code diminish opportunities for a good design outcome on Block 6 Section 88 Gungahlin that compromises the achievement of the planning and urban design objectives for the Mixed Use North West precinct of the Town Centre.

In this context we wish to raise for the authority’s consideration the following matters:

1. Building height – Section 88 Gungahlin

The changes proposed to building heights permitted within Precinct 2b (Figure 16 of the Precinct Code) impact the development opportunity on Block 6 compared to the opportunity previously available under the Precinct Code, and are considered incompatible with the character and form of surrounding development in this Precinct.

Where previously Block 6 had no defined height limit (following the lifting of the building height sunset clause under the Precinct Code in November 2015), a 12 storey height limit now applies. Earlier developments within the Precinct have benefited from the absence of a building height control where remaining sites will now be required to comply with specified heights.

The height limit applied to Block 6 is inconsistent with surrounding development of 14, 16, 18, 20 and 22 storeys and inconsistent with good planning and urban design practices for the siting of tall buildings, where the pattern of development typically includes the tallest buildings towards the centre of a high density precinct, tapering down to shorter buildings towards the edges of a precinct adjoining lower scale development.

Imposing a 12 storey height limit on Block 6 will result in a poor building and design outcome for both Block 6 and the Mixed Use North West Precinct overall for the following reasons:

- A 12 storey development would achieve inferior solar access compared to the outcome that could be achieved for a taller building form, as Block 6 is located to the south and east of development that is greater than 14 storeys and up to 22 storeys, which would overshadow the site for substantial parts of the day. Block 6 would appear at the centre of the precinct to be in a “well” surrounded by taller buildings.
- 12 storeys limits the opportunity to create slender building forms on the site that can achieve improved amenity for occupants, better designed communal spaces and contribute positively to the urban design of the Mixed Use North West Precinct.
- Given that all of the surrounding mixed use developments contain multiple podium parking levels, development on Block 6 would need to build podium levels to at least the same height as surrounding development to achieve reasonable solar access, amenity and view opportunities that are afforded to adjoining sites. This limits the remaining number of storeys for development given the maximum number of storeys. Constructing multiple basement levels is not likely to be feasible in Gungahlin owing to the limited potential of the property market in this location, and this is evident in surrounding developments adopting podium (above ground) parking outcomes.
- Despite the number of storeys being expressed, the overall building height can vary significantly between residential and commercial development with the same number of storeys due to the specific building requirements of these uses.

Further, noting that proposals for buildings greater than five storeys are now required to be referred to the National Capital Design Review Panel prior to submission of a development application, it is suggested that certainty around building design and height can be effectively delivered through the considered deliberation of the Panel on such proposals.

It is therefore suggested that a greater building height than 12 storeys ought to be achieved on Block 6, proposing that the number of storeys should be consistent with the maximum heights permissible in Sections 224 and 209 Gungahlin (i.e. 14 to 22 storeys) to achieve a superior development outcome for the Mixed Use North West Precinct.

2. Requirements for front boundary setbacks and articulation zones – Section 88 Gungahlin

The requirement to provide articulation and setbacks, including the height of podium levels, impacts on the opportunities to create an efficient built form and achieve amenity outcomes such as solar access on Block 6 Section 88 Gungahlin, as outlined above.

Swain Street includes a median space that increases the width of the road reserve, and it is suggested that the intention of providing articulation to break down building mass and scale is appropriate in locations where the road reserve and verges are narrower than in this location. Block 6 is located in a ‘CZ2 – Business’ zone and development on the site should reflect a solid edge like the existing surrounding buildings.

3. Requirement for at grade active frontages – Section 88 Gungahlin

Requirements to provide at grade building access at ground levels for development on Block 6 Section 88 Gungahlin are difficult to achieve in light of the site topography and existing streetscape, and would result in public realm interfaces that provide an inferior design outcome and activation than alternative solutions may be able to provide.

Good design outcomes can be achieved through controls that promote innovative design solutions that provide convenient access and activation to the streetscape.

4. Commentary on other Precinct Code changes proposed within the Town Centre

It is suggested that the application of mandatory building envelopes to precincts within the Town Centre restrict opportunities for innovative built form outcomes that could positively contribute to the character of the Town Centre.

5. Desired Planning Outcomes

The Precinct Code includes desired planning outcomes for the Town Centre and each sub-precinct identified within the Town Centre in Figure 10 of the Code. We note the amendment of Figure 10, which includes:

- **Amend Precinct 2b “Office” and replacement with Precinct 2b “Mixed Use North West”**
The precinct planning objectives related to a business park development outcome, that would achieve the CZ2 – Business zone objectives for relevant sites within this precinct and satisfy the objective to “provide for a range of employment within the Town Centre”.
The draft variation alters the character intended for the Town Centre:
- **Precinct 2a is now “Mixed Use North East”** and incorporates a larger number of blocks (due to the altered subdivision pattern of proposed land releases, which now comprises a total of 17 blocks).

By way of comparison between Precinct 2b Office and Precinct 2b Mixed Use West, it is noted that the precincts reflect similar in planning objectives however the Precinct Code applies different built form outcomes.

Figure 16 indicates proposed building heights in Precinct 2b, which specifies building heights of at least 7 storeys with up to 22 storey elements at focal points. A greater scale of development is permitted on the Mixed Use North East sites, whereas the Mixed Use North West precinct is intended to be intensely developed, yet includes larger setbacks than for the Mixed Use North East Precinct.

It is considered that many changes proposed for planning controls in the Mixed Use North West Precinct are inequitable and unwarranted, given that the majority of the blocks within this Precinct have now been developed, are approved for development or are currently under construction.

The impact of amending these controls would disproportionately disadvantage only the Lessees of remaining undeveloped blocks within the precinct, which includes Block 6 Section 88 Gungahlin; and impede the achievement of objective (I) of the desired planning outcomes to “encourage flexibility and innovation in design of the built form and open space”.

Stakeholder consultation

The Lessee welcomes the opportunity for consultation on the policy changes Central to the Lessee’s concerns is their apparent exclusion from the “Refresh” project’s community engagement process.

In reviewing the Consultation Report that accompanied the release of the Refresh, it appears that 43 stakeholders received an invitation to participate in workshops in relation to the refresh, however we did not receive an invitation to these sessions nor were they consulted by the ACT government in the process of preparing the Refresh.

It is imperative that the Government to consider all stakeholder’s (Lessee/landholders and community) views, experience and response in the formulation of this policy piece. We trust that this correspondence prompts the project team to continue engagement with stakeholders and that we can progress this conversation as the policy is being reviewed.

Conclusion

Whilst the ongoing review of the Territory Plan is supported to reflect ongoing change within the Gungahlin Town Centre, it is important that any changes made are carefully considered to ensure feasible and practical development outcomes can be achieved for the future development of sites.

The Draft Variation and in particular the controls introduced for the Mixed Use North West Precinct have a disproportionate impact on the development potential for very few undeveloped sites in this area that include Block 6 Section 88 Gungahlin.

Based on the matters outlined in this submission and its appendices, the Lessee requests that the authority prudently consider the specific impacts of the DV364 changes to the Gungahlin Precinct Code now have on Block 6 Section 88 Gungahlin, as well as specific unintended consequences to development in other locations within the Town Centre that have the potential to undermine the achievement of good planning outcomes for the Centre.

We remain available to discuss the concern raised within this submission and would welcome the opportunity to present further on these matters, please do not hesitate to contact the undersigned in this regard.

Yours sincerely



on behalf of Landco Pty Ltd
Lessee, Block 6 Section 88 Gungahlin



Appendices

Appendix A: Commentary in response to DV364 rules and criteria changes

Appendix B: Comparison of developments within the Mixed Use North West Precinct

Appendix A: Commentary in response to DV364 rules and criteria changes

Appendix A – Response to DV364 Gungahlin Precinct Map and Code changes

Wording underlined indicates new provisions added to DV364 Precinct Code, wording strikethrough indicates provisions removed from Precinct Code

Rule	Criteria	Response	Suggested amendment
PART A General Controls			
Element 5: Built form			
There is no applicable rule.	<p>C6</p> <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> a) Contributes to the desired planning outcomes of the town centre as described in the introduction of this document b) <u>Reinforces, enhances and addresses public transport stops and active travel routes to create active spaces for pedestrian activity</u> c) Corner buildings contain focal points providing architectural interest and variety to the building design d) Entrances for common lobbies for residential us provide strong visual connection to the street and ensure a high level of surveillance <u>for active travel routes</u> e) Buildings incorporate sun shading to reduce summer sun into the building interior 	<p>The proposed changes to this criterion are welcomed in terms of promoting active travel in the Town Centre with the commencement of the light rail service.</p> <p>It is suggested that the current criterion provides sufficient guidance on building design, articulation, active frontages and solar access that are not significantly improved by the introduction of rule/criteria 45A or 45B.</p>	Nil.

Appendix A – Response to DV364 Gungahlin Precinct Map and Code changes

	<p>f) Car parking structures are designed to integrate with the built form of adjoining development</p> <p>g) <u>Enhance and promote active interface between buildings and the public domain</u></p>		
<p>Element 6: Parking and Site Access</p>			
<p>R12</p> <p>Development on <i>sites</i> identified in Figure 7 includes one (1) of the following:</p> <p>a) surface car park with number of spaces endorsed by the Territory agency responsible for transport planning parking planning</p> <p>b) other development where all of the following are provided:</p> <ul style="list-style-type: none"> i) provide a number of car parking spaces endorsed by the Territory agency responsible for transport planning ii) accommodate onsite any additional demand for car parking generated by the development iii) ensure the number of car parking spaces identified in R12 b) ii) remains available for public access iv) complies with the Parking and Vehicular Access General Code 	<p>C12</p> <p>Development on <i>sites</i> identified in figure 7 may be considered where the development achieves all of the following:</p> <p>a) any additional parking provision requirements (under the Parking and Vehicular Access General Code) for the development</p> <p>b) makes a substantial contribution to the long-term public parking supply for the whole town centre as endorsed by the Territory.</p>	<p>Block 6 Section 88 is of a suitable size, form and location to support additional car parking for Precinct 2b and surrounds.</p> <p>It is suggested that intensive development can be considered in this location due to its proximity to identified nominated public parking areas.</p>	<p>Maintain R12 and C12 in the proposed format.</p>

Appendix A – Response to DV364 Gungahlin Precinct Map and Code changes

Element 7: Amenity			
<p>R19</p> <p>For building frontages shown as “Partial Active Frontage” in figure 11, no less than 20% of a frontage to the street or public open space incorporates shop fronts with pedestrian access at ground floor level.</p> <p>For buildings located along “Partial Active Frontage” shown in figure 9, ground floor frontages and building design comply with all of the following:</p> <ul style="list-style-type: none"> a) <u>buildings incorporate clear display windows and shop fronts at the ground floor level</u> b) <u>buildings incorporate direct pedestrian access at grade for access and egress for persons with disabilities at the main and secondary entrances</u> c) <u>buildings fronting public domain incorporate direct at grade access for pedestrians and cyclists</u> d) <u>buildings fronting public domain provide bike rack for cyclists</u> e) <u>awnings to be provided with regard to use of the building as following:</u> <ul style="list-style-type: none"> i. <u>retail uses – provision of a continuous awning over the extent of the retail frontage and building entries</u> ii. <u>commercial uses – provision of an awning over building entries</u> 	<p>C19</p> <p>Each street frontage of a development can be adapted to incorporate active frontages with direct pedestrian access.</p> <p>For buildings located along “Partial Active Frontage” shown in figure 9, ground floor frontages and building design comply with all of the following:</p> <ul style="list-style-type: none"> a) <u>ensure the building façade is designed to provide sufficient natural surveillance to the streets/spaces</u> b) <u>provide direct access at grade where buildings fronting public domain</u> c) <u>ensure that the location and design of footpath awnings and colonnades enhance the public domain by providing appropriate levels of shade and weather protection to support retail, commercial and community activities</u> d) <u>ensure footpath awnings and colonnades are of a high architectural quality</u> e) <u>encourage pedestrian activity along streets and the public domain in conjunction with active edges to support the vitality of the town centre</u> 	<p>The following response is to point ‘b’ and ‘f’ of C19.</p> <p>The fall in topography along the ‘Partial Active Frontage’ presents a challenge for providing direct pedestrian access, at grade.</p> <p>This frontage is the low part of the block and 39m in length. This frontage also includes a substation, which restricts the length of frontage.</p> <p>Undercover parking, pedestrian crossing and basement access including waste collection access and services- such as electrical substations that are required to be located on boundaries- would reduce the available space for active frontage to an unusable proportion.</p> <p>Surrounding developments Ruby, Jade and Lumi include active ground level frontages. More likely to include on Swain Street, however grade issues</p> <p>The intent of the criteria is certainly understood but the criteria does not provide enough latitude to accommodate sites with frontages of varying levels.</p>	<ul style="list-style-type: none"> b) <u>provide publicly accessible entrances to buildings fronting public domain</u> f) <u>each street frontage of a development can be adapted to incorporate active frontages.</u> <p>Suggest amendment to Figure 9 to remove Gribble Street active frontage for Block 6.</p>

Appendix A – Response to DV364 Gungahlin Precinct Map and Code changes

<p>iii. <u>residential uses – provision of an awning over common building entries</u></p> <p>f) <u>in addition to the above, buildings to the northern side of the public spaces are to be provided with continuous weather protection in the form of a covered path of travel or an awning</u></p> <p>g) <u>lighting is required below all awnings to supplement existing street lighting and ‘spill’ lighting from shopfront and other ground floor uses between the hours the planning authority may impose</u></p> <p>h) <u>northern side of the buildings provide with shade features or designed to shade the rooms.</u></p>	<p>f) <u>each street frontage of a development can be adapted to incorporate active frontages with direct pedestrian access.</u></p>	<p>We suggest that criterion b) and f) are reworded to remove reference to at grade access and direct pedestrian access</p>	
<p>There is no applicable rule.</p>	<p><u>C21</u></p> <p><u>This criterion applies to the residential development or residential components of mixed use development.</u></p> <p><u>Communal open space complies with all of the following:</u></p> <p><u>a) provide for active and passive recreation needs of all residents</u></p> <p><u>b) unpaved soft landscaped areas are to comprise a minimum of 50% of the total communal open space area</u></p> <p><u>c) designed to present as a private area for use by the residents</u></p>	<p>Given the substation development in the Precinct, the impact of this control would be limited in effect.</p> <p>These controls are superfluous to current Territory Plan controls for landscaping design.</p> <p>Greater clarity needed as to what constitutes ‘unpaved soft landscaped areas’ to better guide designers- design outcomes such as permeable paving may be able to achieve the same outcome.</p>	<p>Clarify the definition of unpaved finishes and/or permit alternative design outcomes that achieve the same intent.</p> <p>Suggest to remove criterion part a) as this is a duplication of the multi unit housing development code rule/criteria 40.</p>

Appendix A – Response to DV364 Gungahlin Precinct Map and Code changes

	<p><u>d) includes passive surveillance from adjacent internal living areas and/or pathways</u></p> <p><u>e) have a northerly aspect where possible;</u></p> <p><u>f) be in addition to any public thoroughfares</u></p> <p><u>g) inclusion of exterior private open spaces such as roof top gardens and/or podiums to reduce urban heat island effect. All exterior private open spaces must have supporting systems for ongoing maintenance installed</u></p> <p><u>h) ensure adequate shade through landscape plantings.</u></p> <p><u>Note: This criterion does not replace the relevant provisions for open space in the development codes. This criterion takes precedence where there is a conflict with the development code provisions.</u></p>		
PART B Area Specific Controls			
Precinct 2b – Mixed Use North West			
Element 18: Use			
<p>R60</p> <p>A minimum of one (1) of the following uses is provided at the ground floor level abutting the street or main building entry for buildings of 2,000m² or greater:</p> <ul style="list-style-type: none"> a) Business agency b) Drink establishment 	<p>C44</p> <p>Buildings abutting the street or main building entry incorporate uses that generate activity at the ground level in the public space.</p>	<p>The rule should specify whether the 2,000m² is defined as gross floor area.</p> <p>It is noted that there is no specified minimum gross floor area for the required active uses, which is welcomed to provide flexibility for developers and building occupants.</p>	<p>Specify “gross floor area” under the rule to remove ambiguity in application.</p> <p>It is suggested that the requirement to accommodate services, access, parking, landscaping and other</p>

Appendix A – Response to DV364 Gungahlin Precinct Map and Code changes

<p>c) Health facility d) Public agency e) Restaurant f) Shop</p>			<p>building functions at the ground level may mean that active uses.</p>
<p>Element 19: Buildings</p>			
<p>R61 Maximum height of buildings is 23 metres above the datum ground level. For leases granted before 30 November 2010, this provision will not apply until five (5) years from that date, being 30 November 2015. Maximum number of storeys of any new development will be as specified in figure 16.</p>	<p>C45 Maximum height of buildings comply with all of the following: g) Are compatible with adjacent development h) Are appropriate to scale and function of use i) Minimise detrimental impacts, including overshadowing and excessive scale j) Contribute to the desired planning outcomes This is a mandatory requirement. There is no applicable criterion.</p>	<p>It is noted that the five year restriction on building heights has expired and updating of the rule is warranted. The proposed building height for land yet to be developed in Precinct 2b results in poorer amenity outcome for Block 6 Section 88 Gungahlin, which with proposed building heights would be shorter than surrounding development, impacting on solar access opportunities for development on Block 6. Further, as Block 6 is a larger block there is the opportunity to better accommodate a taller building outcome. It is noted that Precinct 5a on the southern transition of the Town Centre permits building heights of up to 10 storeys, not dissimilar to the height proposed on Block 6, however Precinct 5a is located on the edge of the Centre. The concentration of taller buildings to internal areas of the Town</p>	<p>Suggest amendment to Figure 16 to permit increased building height towards the centre of the Precinct of up to 20 storeys (Block 6 Section 88 Gungahlin), as per the maximum height permitted on land opposite Gribble Street within Section 209. Suggest including wording that rooftop plant and lift overruns are excluded from the height limit (though number of metres is not specified in Figure 16). Furthermore, Figure 16 does not correctly reflect the number of storeys of buildings approved or developed in Precinct 2b. Further, putting a storey limit on the site limits the opportunity for Block 6 to provide podium car parking</p>

Appendix A – Response to DV364 Gungahlin Precinct Map and Code changes

		<p>Centre is considered to deliver a design outcome appropriate to such a civic location.</p> <p>Additionally, a similar design outcome should be able to be achieved on Block 6 as surrounding development with respect to opportunities for podium parking, mezzanine levels and tower forms that contribute to the built form articulation of taller buildings within this precinct.</p>	<p>on the site, at a loss of developable levels.</p>
<p><u>R62</u></p> <p><u>Commercial components with a building fronting the street will have at least 6.9 m podium height. Buildings over podium level will have a further minimum 4m setback from the building line.</u></p>	<p><u>C62</u></p> <p><u>Integrated building design for ground and upper level to promote a human scale for the pedestrians.</u></p>	<p>This rule is a new inclusion into the Code and imposes an additional built form requirement on Block 6 Section 88 Gungahlin where currently no such control exists.</p> <p>Block 6 is the only undeveloped site along Gribble Street in Precinct 2b. Most precinct 2b blocks lining Gribble Street have recently approved residential developments under construction. These sites include:</p> <ul style="list-style-type: none"> - Block 4 Section 209 - Block 5 Section 209 - Block 2 Section 224 <p>All of these blocks are being developed to the boundary and do not include a podium and no upper level setbacks. Blocks 4 and 5 include ground level</p>	<p>Suggest removal of this rule/criteria.</p> <p>This same control is not applied in Precincts 2a and 5 and is inconsistent with what has already been approved in Precinct 2b.</p>

Appendix A – Response to DV364 Gungahlin Precinct Map and Code changes

		<p>awnings overhanging the block boundary.</p> <p>The character of the streetscape along Gribble Street has been determined by developments already constructed or approved which do not incorporate these setbacks, such that the rule/criterion will impact development only on Block 6 Section 88 Gungahlin and result in a streetscape interface that is contrary to the existing character.</p> <p>The requirement for setback</p>	
<p><u>R63</u> <u>Building podium fronting Antony Rolfe Avenue, Gundaroo Drive and Swain Street will have a setback of 4m for 30% of the site's boundary length.</u></p>	<p><u>C63</u> <u>Articulated building form and façade to reduce the bulk of the development and promote interesting streetscape.</u></p>	<p>The rule significantly impacts the development opportunity on Block 6 Section 88 Gungahlin, particularly on the northern boundary of the site where the most favourable solar access can be achieved.</p> <p>The opportunity to reduce overshadowing impacts on surrounding development (due to the shape, topography and orientation of the site) relies on concentrating building mass towards the northern boundary of the block. The importance of façade articulation is understood, however the delivery of this outcome needs to be considered in the context of site characteristics.</p>	<p>Suggest removal of the rule and retain criterion only.</p> <p>This same control is not applied in Precincts 2a and 5 and is inconsistent with what has already been approved in Precinct 2b.</p>

Appendix A – Response to DV364 Gungahlin Precinct Map and Code changes

Element 20: Built form			
	<p><u>C64</u> <u>To provide public entrances that are easily identifiable and convenient, the development provides all of the following:</u> <u>a) entrances to commercial and other uses provide a strong visual connection to the street</u> <u>b) the main building entrance relate to the overall bulk and scale of the building to emphasise the entrance to main lobby or foyer</u> <u>c) provide articulated building entrance to the street and/ or public space at grade with the adjoining verge or finished site levels.</u></p>	<p>The intent of this criterion is supported.</p> <p>Provision of at grade access may be difficult to achieve for Block 6 Section 88 Gungahlin, along the Gribble Street frontage there is requirement to provide services and access for vehicles that limit the length of available building areas for active facade.</p> <p>An existing pedestrian crossing is located along Gribble Street and the distance to the intersection with Swain Street limits the opportunity for driveway access to the lowest point of the site, and given the level of this access point this would serve as the primary access to a basement car park associated with development on the site. As the pedestrian crossing could not be relocated and services and access points are somewhat fixed for the site’s frontage, active at grade frontages would not be achievable along Gribble Street.</p>	<p>Suggest the requirement to provide at grade access is reviewed under part c) of the criterion.</p>
Element 26: Buildings			

Appendix A – Response to DV364 Gungahlin Precinct Map and Code changes

<p>R72</p> <p>All building elements, including lift overruns and roof top plant are contained within building envelope controls shown in figure 17.</p> <p>Note: Building envelopes shown in figure 17 are applied to whole Sections in Precinct 4a and 4b.</p>	<p>C72</p> <p>To provide public entrances that are easily identifiable and convenient, the development provides all of the following:</p> <ul style="list-style-type: none"> a) entrances to commercial and other uses provide a strong visual connection to the street b) the main building entrance relate to the overall bulk and scale of the building to emphasise the entrance to main lobby or foyer c) provide articulated building entrance to the street and/ or public space at grade with the adjoining verge or finished site levels. 	<p>The building envelopes shown in figure 17 are considered to result in inefficient built form outcomes and applies to a former character intent for the Town Centre that is now redundant in the context of change since this control was first introduced.</p> <p>It is suggested that the mandatory application of the rule is reconsidered to include a criterion where alternative building design outcomes can be demonstrated.</p> <p>When compared to the “Mixed Use Living” Precinct, these controls are restrictive and do not promote innovation in design and construction, and do not positively contribute to the emerging built form character in the Town Centre.</p>	<p>Suggest removal of this rule.</p> <p>In comparing the envelopes that apply to Precincts 4a and 4b with other Precincts within the Town Centre, it is considered that the envelope controls do not facilitate an improved built form outcome yet do significantly impact the feasibility of design opportunities for various blocks.</p>
<p>Element 28: Buildings</p>			
<p>R82</p> <p>Buildings are joined at party walls and built to the front property boundary along Anthony Rolfe Avenue and main pedestrian areas and routes identified in figure 11.</p>	<p>C63</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) Strong urban edge for the town centre along Anthony Rolfe Avenue b) Compatibility with adjacent development c) Consistency with desired planning outcomes 	<p>This outcome requires buildings to be built to front boundaries fronting main pedestrian areas. It is considered that blocks in Precinct 2b should similarly be afforded the opportunity to build to front boundaries.</p>	<p>Nil.</p>

Appendix B:

Comparison of developments within the Mixed Use North West Precinct

Appendix B – Comparison of developments within Mixed Use North West Precinct (2b), Gungahlin Town Centre

Block	Section	Site Area (m ²)	Storeys	Storeys permitted under DV 364	Constructed?	Development name	Developer	GFA/apartments	Density dwellings/ha
5	88	2,253m ²	2	7, 12	Yes	Med Childcare	Living Design	1,900m ²	-
4	88	1,078m ²	3	7, 12	Yes	-	-	1,400m ²	-
9	88	2,278m ²	7 & 12 +mezzanine commercial	7, 12	Yes	Mezzo	POD Projects	155 apartments	680
1	88	1,046m ²	2	7, 12	Yes	-	-	1,600m ²	-
1	2	6,754m ²	2	7	Yes	Gungahlin Police Station	ACT Government	900m ²	-
6	2	573m ²	12	11	No (DA approved)	None	Benchmark Projects	42 apartments	730
3	2	800m ²	1	7	Yes	Telephone exchange	Telstra	170	-
6	88	6,015m²		12	No		Landco Pty Ltd		
5	209	2,163m ²	14/18	14-18	Yes	Ruby	POD Projects	179 apartments	830
6	209	5,527m ²	2	7	Yes	Childcare & health	-	2,400m ²	
7	209	7,379m ²	20/22	20-22	Yes	Infinity Towers	Geocon	426 apartments	580
4	209	2,193m ²	14	14	Underway	Jade	POD Projects	167 apartments	760
2	224	4,673m ²	7/14	7-14	Underway	Lumi	KDN Group	145 apartments	310
3	224	1,551m ²	1	7	Yes	YMCA Childcare centre		900m ²	-
4	224	1,492m ²	8-18	8-16	No (DA Approved)	-	Empire Global	296 apartments	888
5	224	1,841m ²							

Figure 16 of Draft Variation 364

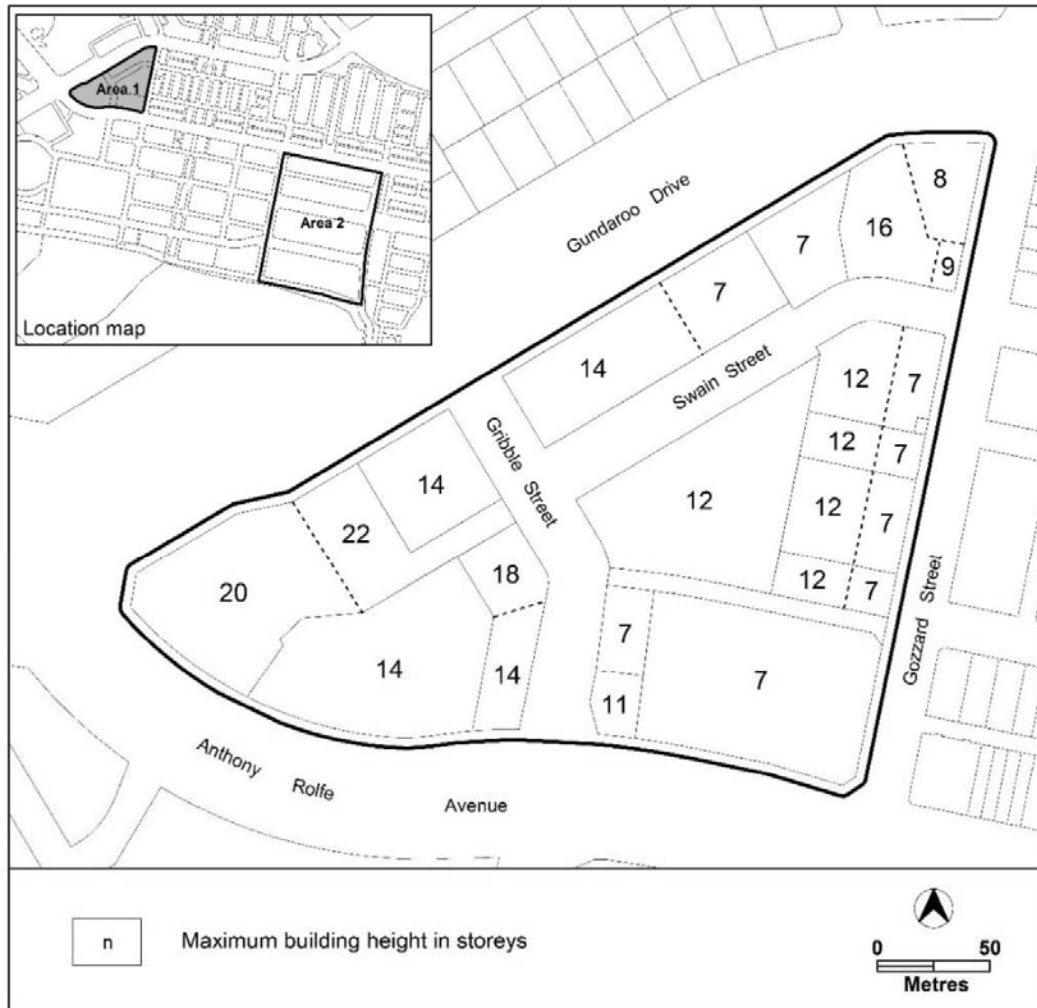


Figure 16 Maximum numbers of storeys in Precinct 2b

Appendix B – EPSDD response to DV364 submission (April 2021)



ACT
Government

Environment, Planning and
Sustainable Development

Our Ref: A25218602

Ms Nichelle Jackson
Canberra Town Planning
5/32 Lonsdale Street
Braddon ACT 2612

Dear Ms Jackson

Submission on DV364 Gungahlin Town Centre Planning Refresh

Thank you for your submission on 18 November 2019 regarding Draft Variation to the Territory Plan 364 (Gungahlin Town Centre Planning Refresh) on behalf of Landco Pty Ltd, lessee of block 6 section 88 Gungahlin.

The Environment, Planning and Sustainable Development Directorate considered your submission, together with other submissions received, and has prepared a consultation report that responds to the matters raised. The consultation report forms part of the recommended draft variation package that has been referred to the Minister for Planning and Land Management for consideration and referral to the ACT Legislative Assembly's Standing Committee on Planning, Transport, and City Services, which will decide whether to hold an inquiry into the draft variation.

I am writing to you to elaborate on our response to some of the issues raised in your submission. Specifically, that the proposed building height, podium and setback controls will restrict good design outcomes for block 6 section 88.

The draft variation proposes maximum building heights within the Mixed Use North-West precinct, with higher buildings to the west and lower buildings to the east, towards Gozzard Street. This is to provide for an orderly variety in height and for a reasonable interface, amenity and solar access with the precinct and adjacent residential areas.

The maximum building height also provides certainty about built form outcomes for the lessee, neighbours and the wider community. It is noted that during the development of the Gungahlin Town Centre Snapshot that there was a strong community desire to address the uncertainties about building heights.

In response to your concern about the 12 storey maximum building height for block 6, building heights have been further reviewed with the assistance of 3D modelling for the entire precinct. This analysis assessed several different building height options for the block and their overshadowing impacts on adjacent and nearby development.

Similarly, block 6 was considered and its overshadowing impacts on adjacent development for a number of different heights. Attached is a snapshot of the impact of two different heights on adjacent development modelled at the winter solstice when the angle of the sun is the lowest.

Accordingly, I reconfirm that a 12 storey maximum building height is appropriate across the block, to permit reasonable solar access to adjacent and nearby developments.

The following changes have also been made in the draft variation recommended to the Minister:

- roof top plant rooms, lift overruns and the like are not included in the maximum building heights, if they are setback a minimum of 3 metres from the floor immediately below;
- a maximum building height in metres has been introduced to correspond to the maximum height in storeys; and
- the requirements relating to podiums and their setback have been removed, leaving a criterion requiring buildings to be articulated to reduce bulk and promote interest.

The recommended draft variation and report on consultation are available online at: www.act.gov.au/recommendedvariations.

I trust this information is of assistance.

Yours sincerely

Lesley Cameron
Executive Group Manager
Planning and Urban Policy

14 April 2021

ENCL

Overshadowing analysis: Block 6 (blue building)

	12 storeys	20 storeys
9am		
12pm		
3pm		