



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 55 -

Ms Anne Grant

Inquiry into Giralang

Shops

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The Chairperson

The Standing Committee on Planning, Transport and City Services

ACT Legislative Assembly

Dear Madam/Sir

Re Inquiry into Giralang Shops (relating to Petition No 4-21)

I would like to thank the Legislative Assembly for conducting an inquiry into the state of the Giralang Shops site. I write both personally and as a long-term member of the Executive Committee of UP177 Giralang Parklands, a complex containing twenty-six individual homes situated directly opposite the abandoned construction site. I have attached our original objection to the rezoning.

I purchased my property 21 years ago. During my early years here, I experienced the convenience of a shopping centre close to my home. I clearly recall that this was a primary factor in many owners' choices to live here. This factor particularly applied to older residents - many of whom have suffered the debacle of 'Giralang shops' over the past 16 years, and who have lacked the convenience of having nearby by shops as they planned for and lived through their later years.

For far too long, consideration for residents of Giralang, potential users of this site, has been overlooked by the ACT Government. The last ministerially approved rezoning was done without the due consideration of the views of Giralang residents and removed their rights. I have recently heard MPs say that the site now owes the developer a considerable sum of money. To that proposition, I suggest that the developer has made decisions along the way in full knowledge of implications of his actions and with little thought of community expectations.

I remember why I stopped shopping at the original old supermarket – the developer-operated supermarket offered few, stale or out-of-date products; good small shops, tenants and professional practices were there but without leases to allow them to improve their premises and grow their businesses they were forced to leave. Yes, the shops became unviable but not because the tenants wanted to leave or people did not want to shop there. History has demonstrated the continued support of Giralang residents for shops.

I would urge the ACT Government to immediately consider the Giralang community's expectations:

1. The site is a major abandoned construction site. It is located next to Giralang Primary School and Preschool, a childcare centre and a range of sporting fields which alone generate a considerable amount of foot and road traffic. As the site stands now, it is a both a danger and a risk for all children, their families and community members who attend these facilities or walk to the parks. In addition, the construction works already undertaken need to be tested for structural adequacy given the length of time since abandoned and the exposure to the environment.
2. It is an eye-sore for neighbouring properties and negatively impacts the amenity of the area and property values. It is shameful that the ACT Government has left the site in this way for so long without enforceable compliance timeframes on the developer to proceed. In reality, there has been no progress except a sales van on site since the last approval.

3. I am led to understand that sales of residential units have been slow. Perhaps then it is the design which does not meet prospective purchasers needs and the whole project should be reviewed. Giralang does not need what in effect is a seven-story building from the school side – two levels of car parking, one level of shops and four levels of residential units. This type of development is more suitable to Belconnen or Gungahlin centres, where there are adequate transport links and accessible services. It is totally out-of-character with the surrounding suburb of Giralang and an overdevelopment of the site to meet the developer's demands.
4. Giralang community has always wanted a supermarket and associated smaller shops, cafes, a restaurant.... The developer indicates that an 'anchor' tenant for the supermarket of 1000m2 cannot be found. If this is the developer's final position, then it is incumbent upon the ACT Government to find a new developer who is willing to develop the site for Giralang shops with the supermarket, commercial tenancies and/or community spaces *with or without a lower-rise residential component*. It is imperative that the commercial components should not be reduced to cater for the developer's needs and long term aspirations to include residential units at this site.
5. Should the ACT Government consider it necessary to amend the Terms of the lease to support a larger supermarket of 1500m2 to make the proposal commercially viable, a new plan with additional space for the increased supermarket should not be at the expense of commercial tenancies and/or community spaces. Any compromise should be to reduce the residential components, the building height and increase car parking on site. Any larger proposal – a 1500m2 shopping centre, with the same number of associated commercial tenancies and the original number of units - will negatively impact the amenity and safety for the school site, park, surrounding streets and suburb.

This site should be used to benefit the residents of Giralang who have purchased their homes believing that the suburb had or would have a vibrant commercial hub. It is entirely reasonable for ratepayers and electors in Giralang to expect the ACT Government to consider residents' needs and to put in place provisions to hold to account a developer who has failed to deliver at every point.

I like many others, add my voice as well as the voice of other owners in UP177, to the frustrations, dismay and anger we feel to the developer and to the ACT Government for failing to deliver shops to Giralang and support the needs and wishes of residents.

I have attached a copy of an objection to the last rezoning signed by multiple residents of UP177 and residents of Warring Place Giralang (names and addresses removed).

Yours sincerely

Anne Grant

16 May 2017

Environment, Planning and Sustainable Development Directorate
Dame Pattie Menzies House
Ground Floor
16 Challis Street
DICKSON ACT

Dear Sir / Madam

OBJECTION: Development Application DA 201833501, proposal for a Multi-Storey Mixed Use Commercial and Residential Development Including Lease Variation at Block 6, Section 79, Suburb Giralang; 7 Menkar Close.

As long-term owners and permanent residents of Warring Place and UP 177, Giralang Parklands, we wish to lodge an objection to Development Application, DA 201833501, proposal for a Multi-Storey Mixed Use Commercial and Residential Development at Menkar Close, Giralang. The grounds of our objection are summarised at the end of this letter. Our reasons for objection are discussed below.

HISTORY

The Giralang shops have been closed for well over 10 years. This has deprived local residents of a highly valued commercial and community hub. Many of us live and purchased here due to the proximity of shops, parklands and bus transport believing that we would have long-term conveniences at our doorstep.

At the time of closure of the supermarket, the buildings were run down and in disrepair and the current owner had failed to upgrade them; most shops had closed earlier; the tenants had been or were on very short-term rental agreements and, with no ongoing leases available from the owner, were unable to renovate or improve their business premises and were forced to leave. In respect of the supermarket, its stocks were greatly depleted with little replenishment occurring over the months prior to its closure, many of the items available were past use by dates or stale. Any drop off in customers was due to the lack of cleanliness and availability of products rather than an indication of the viability or otherwise of a supermarket. We felt it was a planned strategy.

The strong and continuous level of support for the re-establishment of a supermarket, shops and community facilities has been evident across the past 10 years and remains still as evidence of need and demand for a commercial hub in Giralang and our frustration with the developer for failing to proceed.

TERRITORY PLAN

Zone

The site is zoned as CZ4 – with its purpose being a local commercial centre – *refer to the Extract from the Territory Plan* below.

CZ4 – Local Centre Zone

Zone Objectives

- a) Provide for convenience retailing and other accessible, convenient shopping and community and business services to meet the daily needs of local residents, particularly those with mobility issues.*
- b) Provide opportunities for business investment and local employment*
- c) Ensure the mix of uses is appropriate to this level of the commercial hierarchy and enable centres to adapt to changing social and economic circumstances*
- d) Maintain and enhance local residential and environmental amenity through appropriate and sustainable urban design*
- e) Promote the establishment of a cultural and community identity that is representative of, and appropriate to, the place*
- f) Promote active living and active travel*

- g) Provide a high quality public realm by facilitating active uses on ground floor level that connects with the wider open space, pedestrian and cycle networks to promote active travel and active living*
- h) Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport.*

Local centres are defined by the CZ4 zone to provide convenience retailing for local residents and to promote the establishment of a cultural and community identity. By the very closure of the centre, the Giralang community has been deeply affected by its loss and it is very reasonable that we want this rectified as soon as possible. We have been held to ransom for years and now to achieve this, we are asked to support a proposal which is simply overdevelopment.

The development proposal does not fulfil the *intent of the Territory Plan* (below) as it directs multi-storey, high density residential development to a small residential suburb, in this case Giralang; and away from the planned and preferred more densely populated centres of Belconnen, Gungahlin and Dickson.

Element 16: Buildings

Intent:

- a) To encourage a built form and scale of development that reflects the centre’s role as a commercial and community focus for the local area*
- b) To ensure that buildings are compatible with the built form, siting and scale of development in adjacent areas or the desired future character of the area established within the Plan*
- c) To promote an attractive pedestrian environment*
- d) To ensure that development is compatible with, and does not adversely impact on, the environment.*
- e) To ensure building design reinforces the local centre’s role and contributes to a diverse, lively and attractive character*
- f) To ensure that the massing, scale, colours and materials used for buildings results in harmonious and high quality urban design outcomes*
- g) To provide for buildings that promote a safe and accessible environment.*

No evidence of need has been provided by the developer to support their argument that Giralang needs multi-story, high density residential development to adapt to any changing social and economic circumstances by the approval of a building which is NOT compatible with the built form, siting and scale of development in adjacent areas or the suburb; and is not what the general population of Giralang has asked for.

The proposal does not adequately reflect the site’s role and intent as a commercial and community focus for Giralang. The community has continually asserted that a supermarket of a size that is viable is required and a suitable tenant is still not identified by the current proposal. Obviously to attract an operator but more relevant, a smaller one, the options and number of retail shops, service shops and/or professional offices included needs to increase to provide the diversity required to support a lively and viable community hub with a supermarket of only 1000m². The need for the inclusion of a medical centre is not addressed noting the demand that the previous doctor experienced by the non-acceptance of new patients for many years. To achieve viability for a smaller supermarket, there needs to be an increase in the commercial components to provide interest and draw in a larger range of diverse customers.

It is asserted that the inclusion of residential components at first floor and above detracts from this site’s potential as the only one commercial site in Giralang able to provide the additional commercial and/or community services allowed by the CZ4 zone which this community would draw benefit.

Further, the proposal exceeds the maximum number of storeys specified for the CZ4 zone i.e. two storeys equating to 8.5m, with the plans showing six storeys plus a sub-basement and to an unacceptable height, well above the tree line shown on the plans, in excess of 22.54m as shown at the site southern boundary.

Rules	Criteria
16.1 Number of storeys	
R52 The maximum number of storeys is 2.	C52 Buildings achieve all of the following: a) consistency with the <i>desired character</i> b) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> .

The massing, scale and form of the building does not achieve the desired character for Giralang, and the building casts an unacceptable level of shadow on the open space at the rear of the building, previous health centre site and the face of Giralang Primary School.

AMENITY AND CHARACTER OF GIRALANG

Giralang is characterised by:

- an older established population complemented by new younger faces with children buying into the area over more recent years
- an older population who have lived here or bought in for the location and amenity only to be deprived of convenient local shops and a loss of amenity for over 10 years
- a growing population who make good use of the school and local parklands for recreation, bike riding, walking and enjoying the environment
- single storey residential properties, where a few dwellings of two storeys exist generally with garages only located under to fit with the slope of the land
- single residential dwellings; where in a few cases, sites with larger blocks have developed dual occupancies
- two multi-residential developments located across the road from the proposal on large allotments; both of these consisting of low density, *single level* only town houses of one, two or three bedrooms
- a couple of RZ2 sites which have not developed yet as multi-residential.

Giralang Primary School is located very close to the development proposal. We believe it is too close to be compatible with the built form of the proposal. The school has proved to be increasingly popular with young families moving to the area demonstrated by its now viability after its imminent closure some years ago. The school and open space between it and the development will be overshadowed by the mass, height and scale of this building, carparking and traffic will be dangerous and a conflicting use with children and pedestrians in Menkar Close and Atalumba Court.

The traffic report submitted is old, not based on the current proposal and the school now generates a higher volume of traffic at drop off and collection times due to its increased popularity.

IMPACT ON ADJOINING AREAS

The proposal is sited on a rise along Canopus Street in Giralang. The Ground Floor level is measured at the highest point on its frontage to Canopus Cres - higher than many of the townhouses in UP177 and the similar complex across Fornax Street. The point on the boundary at which the datum floor is measured is higher than the original natural ground level or the previous floor level of the old supermarket. As the site falls to both sides to Atalumba Court and Menkar Close, this puts an apparent five to six storey plus building directly across the road from our single-storey complex and a building in excess of 6 storeys to the single storey building of the Health Centre and Giralang School at the back. At these elevations the building's 6 storey plus form is clearly visible along both approaches on Canopus Street, from the school, the Giralang Parklands, to the properties to the north along Fornax Street where views would be affected.

The development will permanently change the face and horizon of Giralang from the suburb and from the adjoining parklands. We accept change is inevitable, but this proposal is extreme. We know of few actual permanent property owners and residents of Giralang who openly support this proposal – more so they just want to see a solution.

Any approval should not exceed a maximum height governed by the height of the substantial trees located between the rear of the building and the school. This would also maintain the visual amenity of Giralang from surrounding suburbs, main road networks and parklands.

Giralang is not characterised by multi-story or high density residential dwellings. It is a small, quiet and leafy suburb generally without a high level of traffic or traffic related incidents. The area approaching the school is safe for children.

Small scale redevelopment only is taking place through extensions, renovations, rebuilds and the construction of dual occupancies on suitably sized blocks.

EVIDENCED DEMAND

We do not see an impact report from the developer to evidence need for a multi-residential project of this size in Giralang. Therefore, we have looked at surrounding suburbs to source examples.

We can find nothing to support a demand for six story developments in small suburbs around Giralang e.g. Kaleen, Crace, Lawson and Evatt and others. Two are new suburbs with strict planning provisions and two are old suburbs. Kaleen is the larger suburb with appropriate yet undeveloped zones for similar projects.

1. Kaleen

The Mixed Use – Commercial and Residential zone in Kaleen has produced a single storey complex at Kaleen Plaza with a supermarket supported by several shops and offices. Despite having appropriate zonings in place to facilitate and include higher-density, multi-residential development and commercial uses, the precinct, CZ5 in Georgiana Crescent, has not redeveloped.

Kaleen Plaza

14. Mixed use site

R34

Buildings in the commercial CZ5 mixed use zone be a minimum building height of three (3) storeys.

This is a mandatory requirement. There is no applicable criterion.

The current Giralang mixed use development proposed would be better suited to a more appropriately zoned area in the adjoining suburb where there are significant established buffer areas surrounding it and far more car parking opportunities.

Kaleen has two further single story commercial sites zoned CZ4 – one at Kaleen Primary School.

The need to provide multi-story, high density residential development in Giralang is not evidenced or supported when the nearby appropriately zoned development sites in Baldwin Drive, Kaleen could provide adequate opportunities but have not proceeded at this time.

RC2 – Kaleen

This zone provides for residential buildings with a rise in storeys of three to six.

RC2 – RZ5 zone additional provisions

This part applies to blocks and parcels identified in area RC2 shown on the Kaleen precinct map.

Element 3: Buildings

Rules	Criteria
<p>3.1 Building height</p> <p>R5</p> <p>This rule applies to the areas identified in Figure 2.</p> <p>The maximum number of storeys in the areas shown on Figure 2 are as follows:</p> <p>a) In area 'a' – 6 storeys. Area 'a' is measured as follows:</p> <p>i) the extent of area 'a' along the northern boundary is a maximum of 20 metres</p> <p>ii) the extent of area 'a' along the southern boundary is a maximum 50 metres</p> <p>iii) the western extent of area 'a' is a maximum of 25 metres deep from the southern boundary, then along a straight line to meet the northern boundary of area 'a' identified in i) above.</p> <p>b) In area 'b' – 4 storeys. Area 'b' is measured as follows:</p> <p>i) the length of area 'b' is a maximum of 100metres from the edge of area 'a' identified in a) above</p> <p>ii) the depth of area 'b' is 25 metres from the southern boundary.</p> <p>c) In area 'c' – 3 storeys</p>	<p>C3</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>

2. Crace

In Crace, the C7 zone is buffered by two storey RZ2 zones.

The maximum number of storeys is three (3). This measure is in place to achieve compatibility with surrounding properties many of which are two and three storeys. Where compatibility with the desired character and the provision of reasonable solar access can be achieved, the maximum rise in storeys can be increased to four(4) with ACT Government approval.

Element 3: Buildings

Rules	Criteria
3.1 Number of storeys	
R7 The maximum number of <i>storeys</i> is 3.	C7 Buildings achieve all of the following: a) compatibility with the <i>desired character</i> b) reasonable solar access to <i>dwelling</i> s on adjoining <i>residential blocks</i> and their associated <i>private open space</i> The maximum number of storeys is 4.

3. Lawson

In Lawson, there are specific height restrictions applying to multi-residential zones; refer to *Clause 3.19, R23 and R24* below. This generally equates to two (2) storeys in RZ1 and RZ2. As in Crace, owners purchase knowing the type of surrounding properties which will be constructed.

The current application for Giralang seeks ACT Government approval to vary the lease provisions to include higher use multi-residential concessions with an overall height at the rear boundary in excess of 22.54m. It is asserted 22.54m is an unacceptable building height in Giralang to the point that it is even higher than the RZ5 zone in Lawson. Any variation to the lease must consider the effect of a height increase to Giralang and any other CZ4 zone in the ACT, an appropriate building height for Giralang, the intent of the original zone and the provision of solar access to Giralang Primary School and the open space between.

14. Mixed use site

R34

Buildings in the commercial CZ5 mixed use zone be a minimum building height of three (3) storeys.

This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
3.18 Height of buildings – RZ1 and RZ2	
R23 In RZ1 and RZ2 the maximum <i>height of building</i> is 8.5m.	C23 Buildings achieve all of the following: a) consistency with the <i>desired character</i> b) reasonable solar access to <i>dwelling</i> s on adjoining <i>residential blocks</i> and their associated <i>private open space</i> .
3.19 Height of buildings – RZ3, RZ4 and RZ5	
R24 Maximum <i>height of building</i> is: a) in RZ3 – 9.5m b) in RZ4 – 12.5m c) in RZ5 – 21.5m.	This is a mandatory requirement. There is no applicable criterion.
3.20 Building envelope – all blocks except buildings over 3 storeys in RZ5 and commercial zones	
R25 This does not apply to either of the following: a) buildings with more than 3 storeys in RZ5 b) buildings with more than 3 storeys in commercial zones. Buildings are sited wholly within the building envelope formed by planes projected over the subject <i>block</i> at 45° to the horizontal from a height of 3.5m above each side and rear boundary, except as required by the next rule. Refer figure A1. Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.	C25 Buildings achieve all of the following: a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwelling</i> s on adjoining <i>residential blocks</i> and their associated <i>private open space</i> .

The owner is asking for approval for the residential component. It is clearly asserted that the height at greater than 22.54m is far too excessive for a CZ4 local commercial centre zone which directly adjoins a school and is across the street from single storey, low density housing.

Further any concession which may be considered by the ACT Government, must consider the solar and visual envelope and reduce the mass and height of any residential floor.

Extract from DA plans: Figure 1

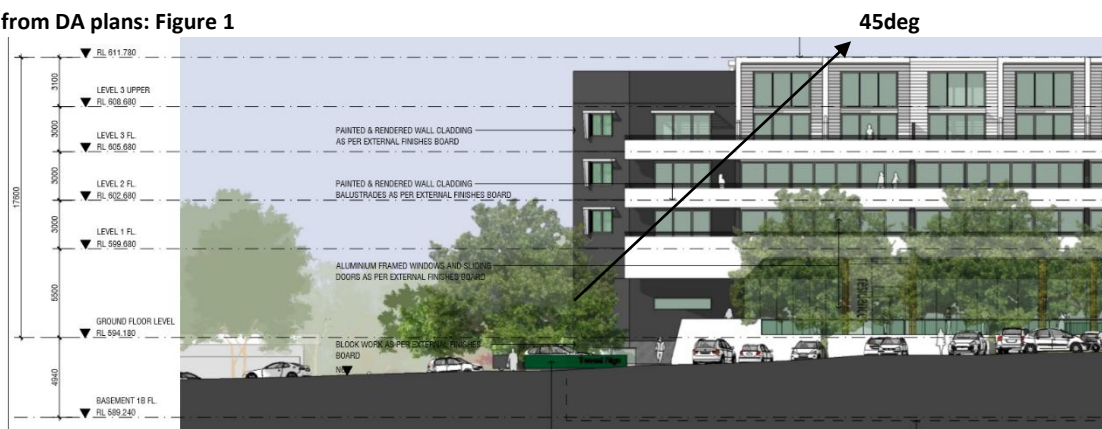
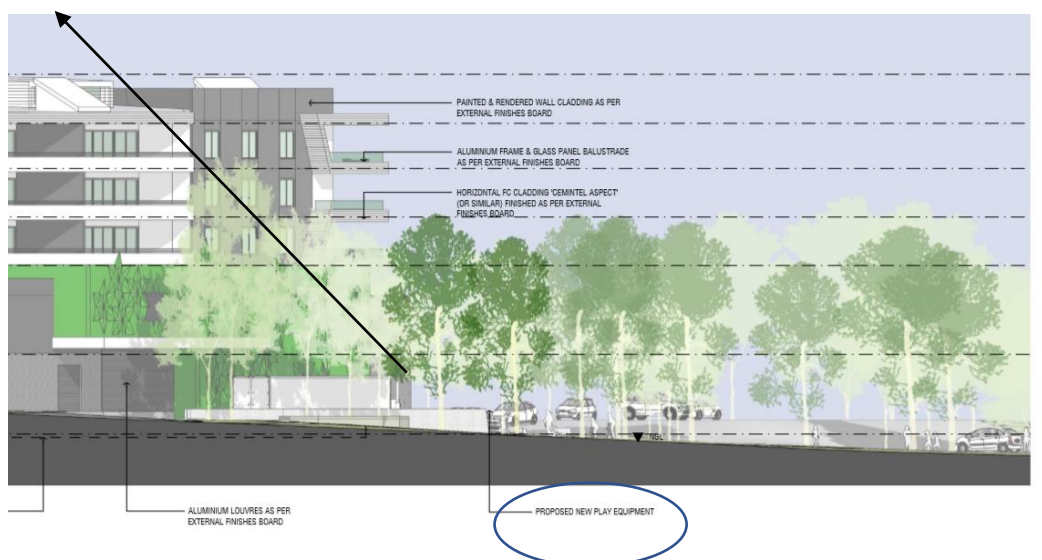


Figure 2 45deg



4. Evatt

Evatt shops are also single storey, contain a supermarket and are zoned CZ4. The nearby zone is RZ2 of up to two storeys which provide a buffer to single dwelling sites similar to Giralang.

Approval of this development application at Giralang will serve as a precedent to similar CZ4 zones in the ACT.

5. Other

Other nearby suburbs, for example: Lyneham, North Lyneham, McKellar, Cook, Macquarie, Aranda, Turner; have CZ4 commercial zones and single storey buildings. A precedent will be set, without public consultation, if the proposal at Giralang is approved.

SOLAR ENVELOPE

The proposed building is not sited wholly within the building envelope formed by planes projected over the subject block at 45deg to the horizontal from a height of 3.5m from a side and rear boundary – a condition for residential zones. Figures 1 and 2 are overlaid by a line depicting the required solar setback for residential apartments.

Figure 2 also details (circled in blue) proposed ‘new play equipment’ which is not shown on the plans. The area is partially shaded by trees in winter and summer but would be totally

overshadowed by the building and unsuitable for a planned children’s outdoor play space. It is also unsafe - located adjacent to the vehicular entrance and loading dock.

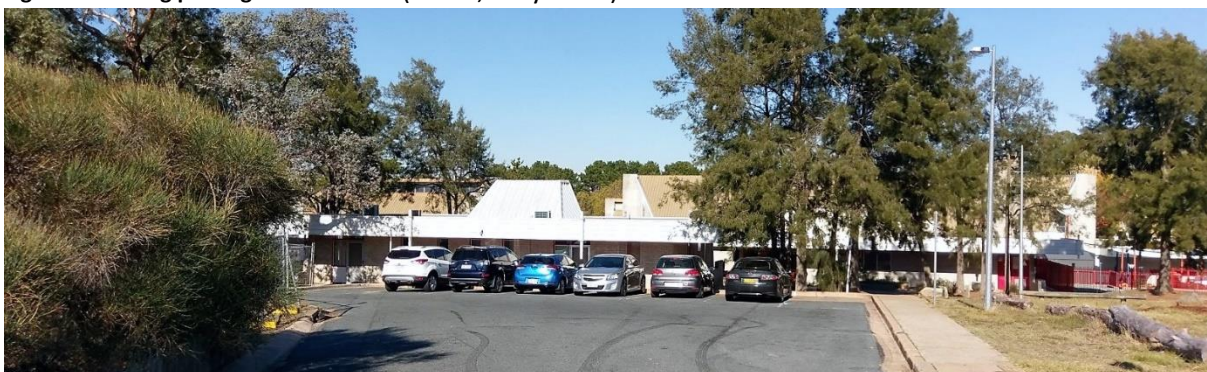
The Development Application, DA 201833501, also advertises a child care centre though no details are provided on the plans. There is no suitable outdoor play space for children – there is also no need with an existing child care centre adjoining the school, sited with good outdoor areas and solar access.

Figure 3: Shaded park between site and school (11am May 2018)



The application makes no mention of the previous Health Centre at the end of Menkar Place although it’s position is indicated on the plans between the development site and the entry to Giralang school – refer to Figure 4. The future of this building is unknown, but it too is affected by the overdevelopment in the proposal, particularly on its northern boundary which will be overshadowed by the new building and severely impacted by traffic entering the building. Seven car parking places at the school entrance for visitors and suppliers throughout any day and the health centre exist but are included as part of the proposal (refer to Figure 4). At 11.10am, an Ashton’s Scholastic truck (medium size) was observed parked in the right car park in Menkar Close. Traffic and turning into the development access/loading bay would have been affected by the size of this vehicle. The lack of an appropriate sized parking bay and loading area is not indicated on plans and additional provision needs to be made for a loading zone.

Figure 4: Existing parking Menkar Close (11am, May 2018)



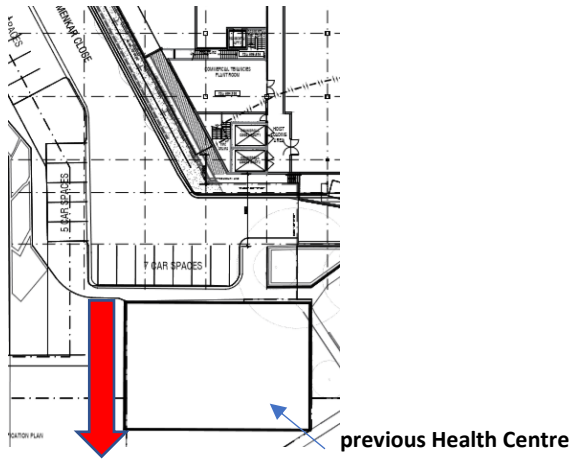


Figure 5: Head of Menkar Place (red arrow marks entrance to school)

POPULATION DENSITY

The plans indicate 50 apartments with sizes of two or four bedrooms. All apartments are designed to a size which promotes permanent residential living, or potentially dual occupancy, especially the large four-bedroom apartments (eight apartments).

Fifty residential units as advertised, and as some may be dual-occupancy, are considered an overdevelopment of the site, for the adjoining Giralang school, surrounding properties and for the Giralang area.

The proposal must substantially reduce the number of apartments if inclusion of multi-residential use is to be supported.

CAR PARKING

92 car parking spaces are indicated on plans for residential and staff use.

70 car spaces plus 3 motor bike places are indicated for commercial uses.

21 car spaces are shown in Menkar Close.

Residential car parking

Adequate parking for any included residential component must include:

- 1.5 minimum designated car spaces per two-bedroom apartment
- 2 designated car parks for each four-bedroom apartment
- minimum 1 space per 4 apartments (min 12) allocated, signed and designated visitor car parks
- the residential component requires a staffing factor which has not been separately identified.

Schedule 1 - Residential zones

Development	Parking provision rates for residential zones
Apartment	One (1) parking space per single bedroom dwelling; and A minimum average provision of 1.5 spaces per two bedroom dwelling, provided that each two bedroom dwelling is allocated a minimum of one (1) parking space and each two (2) bedroom dwelling is allocated no more than two (2) parking spaces; or Two (2) parking spaces per two bedroom dwelling; and Two (2) parking spaces for each dwelling with three or more bedrooms; plus One (1) visitor space per four (4) dwellings or part thereof where a complex comprises four (4) or more dwellings

This would total a residential car space requirement of 91 dedicated spaces, which of course are then factored into any sale price.

The residential requirement leaves no under building allowance for staff for the residential component; or available to allocate to the staff/business owners of the commercial component.

There will be no vacant verge car parking for visitor/second resident car parking adjacent to the site as can be seen at the multi-unit site on the corner of Maribynong Cres and Baldwin Drive, Kaleen, where this area is often in use for overflow parking. Specifically, for any residential component, additional designated spaces are required to service visitor/second or third car use and must be provided if the development is to be considered of any reasonable quality.

Commercial car parking

There is insufficient commercial car parking included in the proposal.

As indicated above, there will be no staff / business owner car parking spaces under the building.

In contrast to the Gungahlin Precinct Code (refer extract below) Giralang does not have a surrounding employment base or shared car parking areas and is not serviced by public transport which is regular or enough to satisfy the needs of most users. The lack of convenient and available parking will disadvantage retailers in competition with other better serviced areas. Sufficient safe and convenient car parking must be provided to attract customers. Further, it is not considered that 50 residential units on site will make the retail facilities viable without considerable local area support.

Multiple use of residential car parking is not an acceptable solution. While some shared use of school facilities may be available after hours and on weekends, resorting to shared use during the day is a dangerous and unsafe solution to an already busy carpark. It should be noted that over the past two weeks of observation of Giralang School carpark, available spaces have been filled in excess of 75% throughout the day around school hours; parents and buses deliver and collect children at 9am and 3pm; and the carpark remains up to 50% full until after 5pm.

To presume that commercial car parking will safely share with this volume of school traffic is not acceptable.

Gungahlin

Car parking

28. Opportunities for car parking are to enable sufficient, safe and convenient use and access for users of the town centre.
29. Make ample parking space provision for car access by people with disabilities.
30. Provide convenient car parking for shoppers at a level of provision that will encourage the use of public transport but not disadvantage retailers in competition with other town centres.
31. Encourage the multiple use of parking areas by providing public car parking rather than private on-site parking.

The *National Construction Code 2017, Volume 1, Table D1.13 Area Per Person According to Use* provides base information to consider the likely number of person to be catered for at the development. For example:

- Shop(retail) specifies 3m² per person
- Dining area specifies 1m² per person
- Showroom specifies 5m² per person
- Theatre specifies 1m² per person
- Bar 0.5 to 1m² per person.

The Parking and Vehicular Access Code requires five to ten spaces per 100m² floor space for shops and restaurants.

There are no floor areas specified on the plans, however, as an estimate:

- a Supermarket of 1000m² (and using the much lower ratio in the NCC for showroom) could attract some 200 persons (staff and customers)

- retail components (using the NCC ratio for shop) of say 1000m² total may attract some 333 persons noting that cafes/dining areas/bars which have been discussed as inclusions are a much higher requirement; and,
- the developer's stated aim is for the development to become a lively and vibrant hub.

As a minimum, say 235 persons or 50% of the above could easily be anticipated to attend in normally busy days or periods. This could equate to a minimum of 118 required car parking places – less than 50% in place in Kaleen Plaza for a supermarket and similar number of retail shops without multi-residential or the school factors.

Adequate parking must be allocated for the commercial components with signed parking restrictions throughout the day and which apply until 9pm at night, for example two hour, to ensure adequate space is available for commercial uses if allocated parking is not included in the residential component.

School and Park parking

Similarly signed restricted car parking of two hours with a long-term zone for staff carparking for Giralang Primary School must apply between 7am and 5pm to ensure commercial/residential overflow parking does not fill spaces required to safely deliver and collect children from school. The current carpark is 70% full at most times throughout the day (refer to Figure 4 and observed throughout May 2018)and has bus set down and drop off requirements.

The pool of 21 car parks identified in Menkar Close should also include parking restriction signs to ensure these are primarily kept available for school and park users. The park is being constructed to meet community demand, and has been reduced in size to provide additional car parks which will be primarily used by those attending the park and delivering/collecting young children from school/pre-school.

Of these 21 car parks in Menkar Place, no more than 6 should be considered as part of a shared car parking/taxi pool with shops.

Other parking

Two small amounts of public car parking at the Giralang sports fields are currently provided at a short distance from the development. This parking is regularly used by sporting participants, residents with dogs and people visiting the Giralang parklands. At a number of times during the week and weekend this parking is inadequate and cars park along Canopus Street on either side of the development. Canopus Street is relatively narrow and traffic flow is then restricted especially for buses. It is also dangerous for young children getting out of cars or hurrying to cross the road. This car parking may be an overflow for peak periods but not a serious parking option for daily shopping trips or overflow residential use.

In addition, there is no car parking allowance in the proposal as advertised for a child care centre, doctor or community facilities.

Child care centre	1 space/centre plus 2 spaces per 15 child care places for employee parking plus visitor parking as follows: 2 spaces : < 30 child care spaces 3 spaces : 30-59 child care spaces 4 spaces : 60-90 child care spaces plus 1 pick-up/set-down bay per 10 child care places
Community activity centre	4 spaces/100m ² gross floor area (GFA)
Health facility	4 spaces/practitioner

MINIMUM CAR PARKING REQUIREMENT

There is a minimum shortfall in excess of 40 car parking places in respect of this proposal.

There should be a very minimum of 91 allocated car parks for residents and 118 designated commercial car parks (including four spaces only from Menkar Close and two provided for Taxi parking). There should also be taxi zones and loading bays allocated.

TRANSPORT

Giralang is serviced by bus services to Canberra City, Belconnen and school buses. Services are more frequent during peak periods and at school times, but are less frequent throughout the day, evenings and weekends, and stop altogether for some hours at night. Buses pass the University of Canberra and to catch express services to the city relies on first travelling to the Belconnen interchange.

Giralang is not identified as part of the major new transport spine formed by the light rail connecting Gungahlin with the city and beyond.

Multi-story, high density residential development is better suited to sites located closer to the major centres of Belconnen, University of Canberra, Gungahlin and Dickon/Braddon so as to take better advantage of transport infrastructure and existing and proposed community facilities.

Generally, residents of Giralang have cars, most dwellings have two cars and for example, within UP177, 50% of units have two cars with some having three or having regular overnight visitors with a third car.

There is no evidence to support that owners/residents of new apartments in Giralang would rely on public transport; that public transport is sufficient and reliable enough to attract residents without cars; that all staff or patrons would walk to the centre, or in fact that customers will travel to the centre by bus particularly if it requires them to change buses at Belconnen interchange. The apartments need allocated parking spaces.

Locally, some residents may walk or ride bikes on a daily basis, however, they will not carry larger shops for any distance. The majority of customers will come to the centre **BY CAR**.

Any approval should include provisions for pedestrian crossings, an upgrade of walking paths and underpasses to the complex and bike storage.

VIABILITY

The Giralang community wants a commercial/community centre on land which has been there and currently appropriately zoned. The centre must be viable, therefore if the centre is not of 1500m², it needs to be a destination hub rather than a dormitory building. We want more community facilities included such as a medical centre or offices, even at basement (fronting the school) or first floor level, as this would attract diverse customers to the hub. At the same time there needs to be a reduction in the mass, form and height of the overall building.

While recognising that the owner has indicated that the scale of the project is to increase its viability, we have identified inclusions to assist.

We do know that the owner/developer has incurred costs over the last 10 years. Respectfully, it is not in the interests of residents of Giralang to accept an overdevelopment of this site which reduces amenity and character and does not provide the facilities the community expects, to recoup losses to simply gain resolution to this horrible situation - in place for well over 10 years - most of which, put simply, is of the owner's own making.

His valuer has provided 'before' and 'after' approval unimproved values as below:

'After' Value (V1)	\$	3,375,000
'Before' Value (V2)	\$	1,635,000

We do not accept the proposition that the building needs to be as large or of the same composition as the proposal to make a profit and be a financially viable project. We are not looking at developer profit and assert that the site could well be sold for its current value of \$1,635,000 to a new developer who would consider a smaller scale project.

The current owner/developer would make a sizeable profit from the sale of this proposal – a reduction in the scale of the project may reduce his profit but there would still be a profit.

LEASE VARIATION

A lease variation to include the concessions for multi-residential, high density use requested by the developer, is not as of right and **must have the approval of the ACT Government**.

As long-term, permanent residents of adjacent and close by properties, we ask that our views to be seriously considered and respected. It is in all interests to have a quality proposal. We may be frustrated by in action and excuses for the failure of the property owner to rectify the mess he has created, however, we do not accept that the current proposal is in the Giralang community's best interests; or that local residents should accept a proposal which reduces the amenity of the area and have our environment impacted to such an extent, to gain a bad solution.

Some of us, while members of Giralang Residents Action Group and recognise all the work done so far by a few, and understand the lengthy process to this point, do not support their objection. While many items raised are valid, the height and mass of the proposal and lack of car parking needs to be addressed.

Should a lease variation be considered, it must contain performance provisions, time frames and severe conditions in the event of further default by this owner/developer.

In the interests of gaining resolution we are willing to consider some concessions to have the site cleaned up with a community centre re-established. Our concerns are identified in this document and our objections are summarised below.

OBJECTIONS

- 1. The proposal in its present form will set a precedence for CZ4 sites across the ACT WITHOUT PUBLIC CONSULTATION.**
- 2. The proposal does not meet the objectives of the CZ4 zone of the Territory Plan in that it fails to provide certainty that the community facilities removed by the developer will be reinstated and deliver the cultural and community identity that is representative of, and appropriate to, the place.**
- 3. The proposal is not compatible with the built form, mass, form, siting and scale of development in adjacent areas or the desired future character of Giralang.**
- 4. The development is an over development of the site and not compatible with the environment of Giralang.**
- 5. Clear identification of the primary supermarket tenant is required; would go to restoring faith and demonstrating intent as the continued lack of certainty and progress jeopardises the site's role as the local centre, risks its long-term viability and future as a diverse, lively and attractive focus for the community.**
- 6. The supermarket component must have a clear retail floor space of 1000m2 excluding loading, ancillary and storage areas, and any change to the use in the future must be prohibited**

- 7. A proposal which includes additional commercial offices and/or a medical centre at basement (facing the school) or first floor level is preferred to further embed the centre as a viable and focal point for Giralang.**
- 8. No evidence of demand to support a multi-use development of this scale has been presented: the proposal in its current form is premature when there are appropriately zoned sites for similar development in the adjoining suburb of Kaleen which are yet to yield redevelopment.**
- 9. Any residential components of the proposed building are to be sited wholly within the building envelope formed by planes projected over the subject block at 45deg to the horizontal from a height of 3.5m from a side and rear boundary.**
- 10. The maximum height of the building to be three storeys or 12.5m above original ground level and compatible with the tree line at the rear of the building; and above a car parking level at the basement.**
- 11. Separate, allocated and secure car parking for any residential apartment is to be included in accordance with the Parking and Vehicular Access General Code (Residential zone)**
- 12. Adequate commercial car parking is provided in accordance with population/space requirements of the National Construction Code 2017 and the Parking and Vehicular Access Code without shared use of Giralang School and residential parking requirements; and include time restrictions.**
- 13. The developer will immediately following approval commence undertakings in respect of improvements to Giralang Primary School carparking and the Giralang Community Park.**
- 14. Any approval of a lease variation by the ACT Government must contain performance provisions and time frames; with any further default by the owner resulting in consideration of the withdrawal of the lease altogether; and its subsequent resale with an appropriate zoning and clear development brief.**

We, the undersigned, submit an objection to Development Application DA 201833501, proposal for a Multi-Storey Mixed Use Commercial and Residential Development Including Lease Variation at Block 6, Section 79, Suburb Giralang; 7 Menkar Close, dated 16 May 2018.

Yours faithfully

Anne Grant

(Names and addresses removed)

OBJECTION: DA 201833501