



ACT
Government

Environment, Planning and
Sustainable Development

2022

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL
TERRITORY**

**VARIATION TO THE TERRITORY PLAN 364
Gungahlin Town Centre**

APRIL 2022

Mr Mick Gentleman MLA
Minister for Planning and Land Management
April 2022

Australian Capital Territory

Planning and Development (Plan Variation 364) Approval 2022

Notifiable instrument NI2022-

made under the

Planning and Development Act 2007, s 76 (Minister's powers in relation to draft plan variations)

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation 364) Approval 2022*.

2 Commencement


This instrument commences on the day after its notification day.

3 Approval of draft plan variation

(1) I approve under section 76 (2) (a) of the *Planning and Development Act 2007* the plan variation 364 to the Territory Plan.

(2) In this section:

plan variation 364 to the Territory Plan means the plan variation in the schedule.


Mick Gentleman MLA
Minister for Planning and Land Management

6/4/2022



ACT
Government

Environment, Planning and
Sustainable Development

Schedule (See section 3(2))

Planning and Development Act 2007

Variation to the Territory Plan 364

**Gungahlin Town Centre
Amendments to the
Gungahlin Precinct Map and Code**

Final variation prepared under s76 of the
Planning and Development Act 2007

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1. EXPLANATORY STATEMENT

1.1 Background

The variation implements the recommendations of the Gungahlin Town Centre Planning Refresh – Snapshot 2018. The refresh has been prepared as part of the ACT Government initiative to review planning controls for the town centre due to the way the centre has developed in the last decade.

The planning refresh commenced in 2017 and included several community engagement sessions with residents, business owners and other users of the centre. The feedback provided by the community during the refresh process has informed the recommendations included in the snapshot, which forms the basis of this Territory Plan variation.

The subject area is the Gungahlin Town Centre. It is bound on the north-west by Gundaroo Drive, the south-west by Gungahlin Drive, Anthony Rolfe Avenue to the north, Manning Clark Crescent to the east, and the Mulanggari Grasslands in the south.

Most of the changes to the Gungahlin Town Centre precinct map and code are for the Mixed Use North West and Mixed Use East precincts (Figure 1).

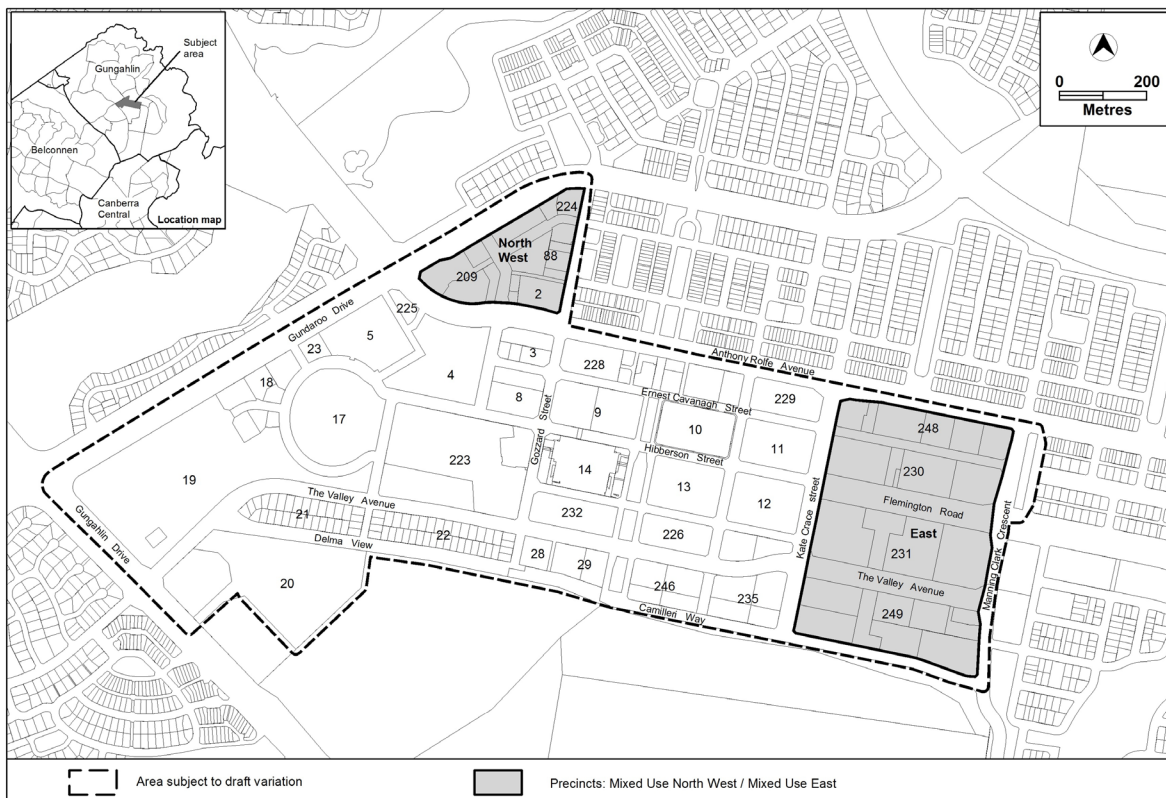


Figure 1 Location plan

1.2 Summary of the Proposal

The variation incorporates the recommendations of the Gungahlin Town Centre Planning Refresh into the Territory Plan to provide guidance on the desired built form and character of the centre as it develops.

The variation provides clarity about heights in the Mixed Use North West and Mixed Use East precincts, reserves land exclusively for office purposes and clarifies how community facilities are to be provided.

Other provisions contained in the variation are intended to guide future development in the town centre and to promote high quality design outcomes. These include provisions for active frontages, awnings, podium and upper floor level setbacks, landscaping, noise management, driveway access, building heights, and the linear park.

1.3 The National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The Planning and Land Management Act 1988 also requires that the Territory Plan is not inconsistent with the NCP.

In accordance with section 10 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, the NCP defines the planning principles and policies for Canberra and the Territory, for giving effect to the object of the NCP and sets out the general policies to be implemented throughout the Territory, including the range and nature of permitted land uses.

It also sets out the detailed conditions of planning, design and development for areas that have special significance to the National Capital known as designated areas and identifies special requirements for the development of some other areas.

1.4 Site Description

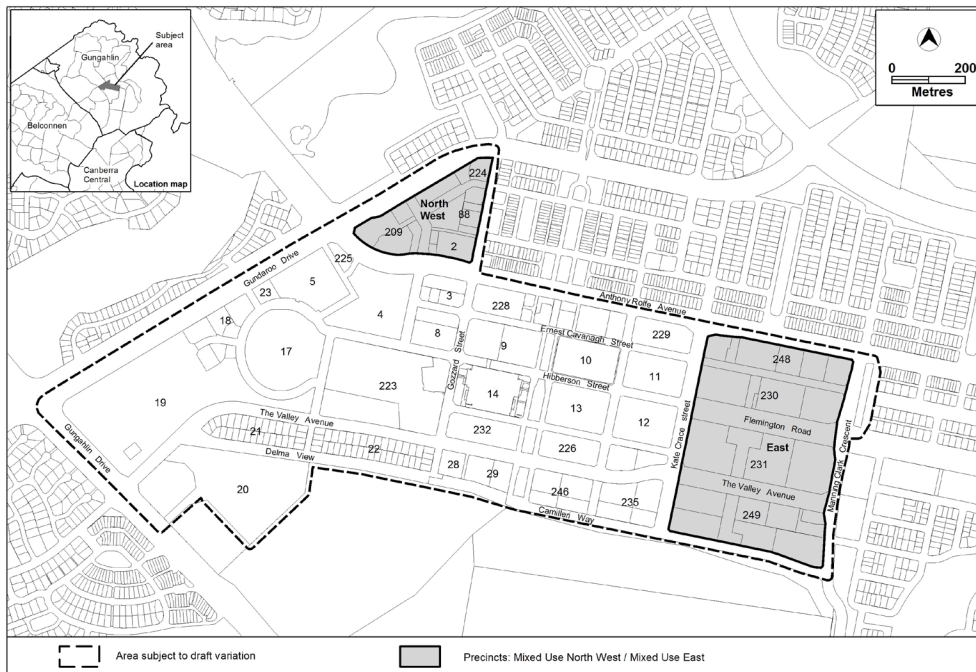


Figure 2 Site Plan

The Territory Plan map for the area subject to this variation is shown in Figure 3.

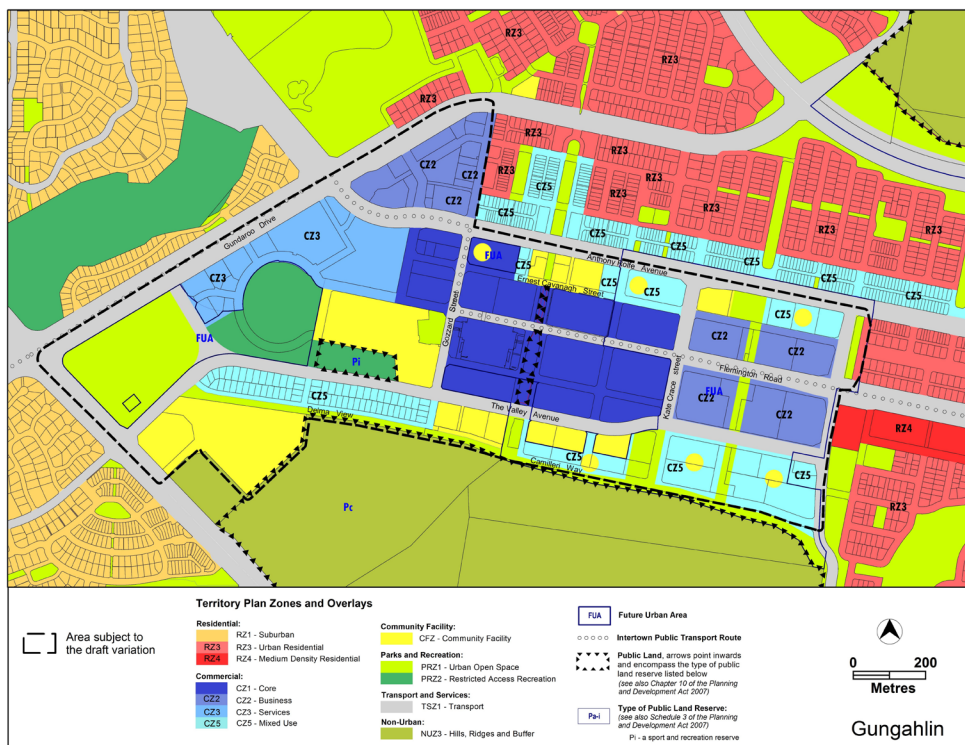


Figure 3 Territory Plan Zones Map

1.6 Changes to the Territory Plan

Detailed changes to the Territory Plan are noted in section 2 of this document.

1.7 Consultation on the Draft Variation

DV364 was released for public comment between 30 September 2019 and 18 November 2019. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register on 30 September 2019.

A total of nine written submissions were received.

Main issues raised by submitters included:

- support for the draft variation
- desire for higher building heights (maximum numbers of storeys) in the Mixed Use North West precinct
- oppose reducing the area reserved for commercial space in the Mixed Use East Precinct 2a and allowing residential development in the Office Core precinct
- requirements for commercial uses at ground level should be removed from the Mixed Use North West precinct 2b because it imposes additional financial pressure
- oppose the draft variation having interim effect because it is premature
- object to building envelope requirements in Retail Mixed Core precinct 1b because they increase construction costs and reduce feasibility of development on smaller blocks
- podium requirements for setback and articulation in the Mixed Use North West precinct 2b will have no effect on improving streetscape
- description of the Gungahlin Town Centre should be retained

The above issues were considered and are detailed in a report on consultation. Changes were informed by the issues raised. The outcomes of consultation were considered by the Minister responsible for planning prior to approval of this variation.

1.8 Revisions to the Draft Variation Recommended to the Minister

The Standing Committee on Planning, Transport and City Services conducted an inquiry into DV364 and published its findings and recommendations in its report number 5, dated September 2021.

Changes were made after consideration of the Legislative Assembly's Standing Committee report and as directed by the Minister for Planning and Land Management. These are outlined under section 1.9 Ministerial Direction below.

In addition to these changes, the following corrections were made:

- Criterion C21 'Partial Active Frontage' was corrected to 'Active frontage – partial'
- Rule R33 a) figure reference was corrected from Figure 11 to Figure 9 and '*mandatory active frontage*' was corrected to 'Active frontage – mandatory'
- Rule R39 figure reference was corrected from Figure 13 to Figure 11

1.9 Ministerial Direction

Ministerial direction was issued under section 76 (2) (b) (iv) of the *Planning and Development Act 2007*.

The ministerial direction states that DV364 is revised to:

- remove criterion C43 and proposed rule R44;*
- amend height of building provisions for specific sites in Precinct 2b to allow for up to two additional storeys, where the additional height does not have an adverse impact on adjacent development;*
- adjust building heights in metres in Precinct 2b to allow for commercial development; and*
- adjust active frontage placements to better align with areas identified as pedestrian thoroughfares.*

Compliance with the ministerial direction is outlined below:

- Remove criterion C43 and proposed rule R44.*

Criterion C43 and proposed rule R44 have been deleted.

- Amend height of building provisions for specific sites in Precinct 2b to allow for up to two additional storeys, where the additional height does not have an adverse impact on adjacent development.*

A new criterion C63 allows for building elements of up to two additional storeys in height for specific sites. These sites are identified in Figure 16. Clear differentiation in the height of these building elements is required and the development is required to achieve a high quality design outcome.

Criterion C64 requires that detrimental impacts on adjacent development, including overshadowing and excessive scale are minimised and that the development contributes to desired planning outcomes.

- (c) *Adjust building heights in metres in Precinct 2b to allow for commercial development.*

Building heights in Precinct 2b via rule R63 have been increased in metres to allow for commercial development.

- (d) *Adjust active frontage placements to better align with areas identified as pedestrian throughfares.*

Active frontage requirements have been adjusted by:

- i) removing 'Active frontage – partial' requirements from the eastern side of Gribble Street (location A, Figure 4 below)
- ii) amending rule R21 by changing the requirement of a maximum of 40% blank walls without windows to 50% for the 'Active frontage – partial requirements' to allow greater flexibility in building design
- iii) amending criterion C6 to add "buildings fronting the linear park (as shown in Figure 11) are designed to provide casual surveillance to users of the linear park."
- iv) Changing Figure 11 to show the linear park is a main pedestrian area and route.

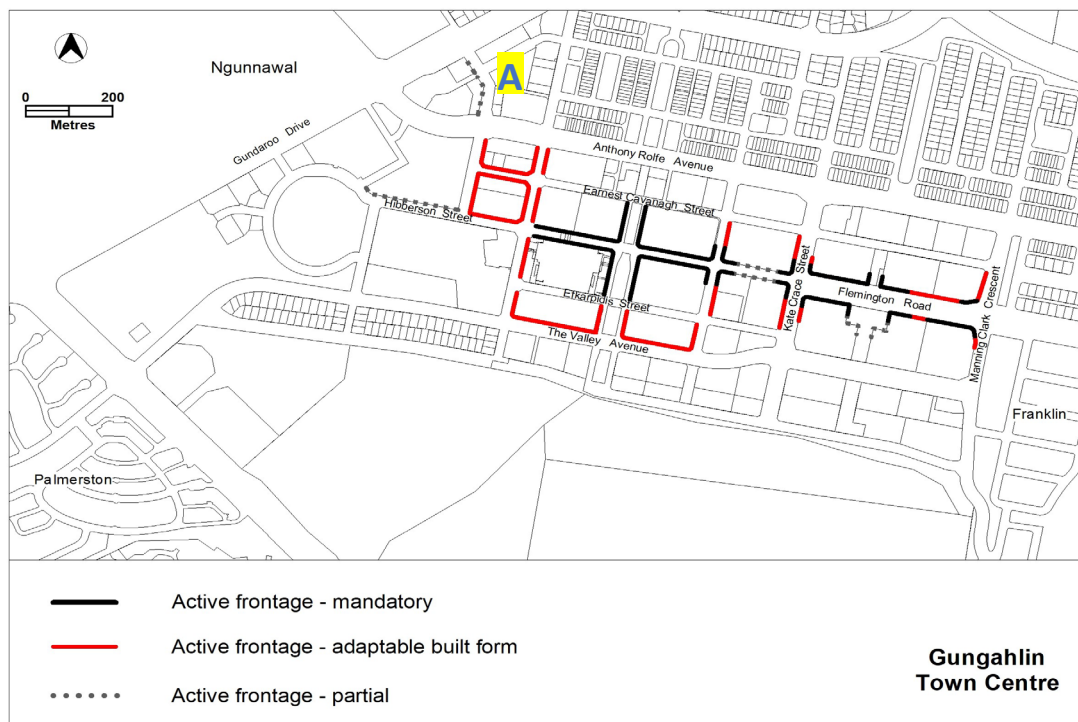


Figure 4 Changes to Active frontage requirements on Gribble Street

Assessment of active frontages and alignment with pedestrian thoroughfares

Figure 9 in the Precinct Code contains three levels of active frontages and rules and criteria related to the areas are under the heading 7.3 Active frontage in the Gungahlin Precinct Code.

'Active frontage – mandatory' has the most onerous requirements, requiring display windows and shopfronts at ground level, direct pedestrian access at grade and verge level, including access requirements for people with a disability and a maximum of 30% of blank walls.

'Active frontage – partial' requirements include display windows and shopfronts at ground level, incorporate pedestrian access for people with a disability at main and secondary entrances and has a maximum of 50% (increased from 40%) blank walls.

'Active frontage – adaptable built form' contains the lowest level of requirements, requiring clear display windows, shopfronts or a level of casual surveillance to streets/spaces, and requirement for access for people with a disability.

The above measures are set out in rules. A greater level of flexibility can also be considered if compliant with the associated criteria.

In precinct 2a Mixed Use East, active frontage requirements along Flemington Road (between Kate Crace Street and Manning Clarke Crescent) vary between the three types of active frontages, depending upon location. The combination of active frontage requirements enables variation in building frontage design. The 'Active frontage – mandatory' requirements are applicable to selected areas along the main pedestrian areas and routes and include the light rail corridor, buildings fronting intersections and corner of buildings adjacent to public open spaces including the linear park.

Pedestrian movements and thus vibrancy of the area will be increased following development along Flemington Road, adjacent to the light rail corridor. However, a pedestrian area with outdoor eating areas and cafés, similar to Hibberson Street, is not envisaged for Precinct 2a Mixed Use East. A combination of more flexible provisions including 'Active frontage – partial' and 'Active frontage – adaptable built form' along with 'Active frontage – mandatory' at important locations is necessary to support the mixed use character of the precinct.

Active frontage provisions do not restrict ground level uses in and of themselves. There are a number of planning controls that consider uses in the various precincts within the Gungahlin Town Centre. An office use can be developed at ground level

if it is able to meet the relevant planning control as outlined by a criterion and providing it can be demonstrated this use is able to generate activity in the public space. As an example, an office has been developed on ground level on block 4 section 226 Gungahlin (Winyu House) under these provisions and generates activities in the public space at ground level.

i) Change to active frontage requirements – Gribble Street

Gribble street is not identified as a main pedestrian area or route in the variation. Therefore, buildings with active frontages on both sides of the street are not required and the 'Active frontage – partial' on the eastern side of Gribble Street has been removed (see 'A' in Figure 4 above). These active frontage requirements would have only applied to two undeveloped blocks with narrow street frontages. This change will provide greater flexibility for building design. The proposed change will not compromise the pedestrian connection from South of the Anthony Rolfe Avenue to the north-west of Gungahlin. The western side of Gribble Street is developed and contains active frontages with adequate shopfronts/windows, a wide developed footpath and parking facilities supporting future commercial uses.

These changes focus active frontages and higher-level active frontage requirements to better align with pedestrian thoroughfares.

ii) Change to rule R21 of the 'Active frontage – partial' requirements

The change to allow 50% blank façade instead of 40% for the 'Active frontage – partial' requirements will enable greater flexibility in building design. The change contributes to establishing a greater difference between 'Active frontage – mandatory' (maximum of 30% blank walls) and 'Active frontage – partial' (maximum of 50% blank walls). This will allow a greater focus on areas which require 'Active frontage – mandatory' and forms a part of the main thoroughfare through the centre.

iii) Additional requirement for criteria C6 for buildings along the Linear Park

The linear park forms part of the public realm and is a pedestrian thoroughfare within the eastern part of the town centre. It is not considered necessary to incorporate specific active frontage requirements for all buildings along the length of the linear park. It is, however, appropriate to add an additional element to criterion C6 for building design along the linear park to promote casual surveillance for the safety of park users. This provision is adequately flexible for building solutions that achieve an appropriate level of surveillance.

iv) Change to Figure 11 to show the linear park is a main pedestrian area and route

Figure 11 shows the main pedestrian areas and routes and the linear park. A change has been made to hatch the linear park, so that it is identified as a main pedestrian area and route in addition to its status as the linear park.

2. VARIATION

2.1 Variation to the Territory Plan

Variation to the Gungahlin Precinct Map and Code

1. Gungahlin Precinct Map and Code

*Substitute the Gungahlin precinct map and code with **Appendix A**.*

Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, çempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
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TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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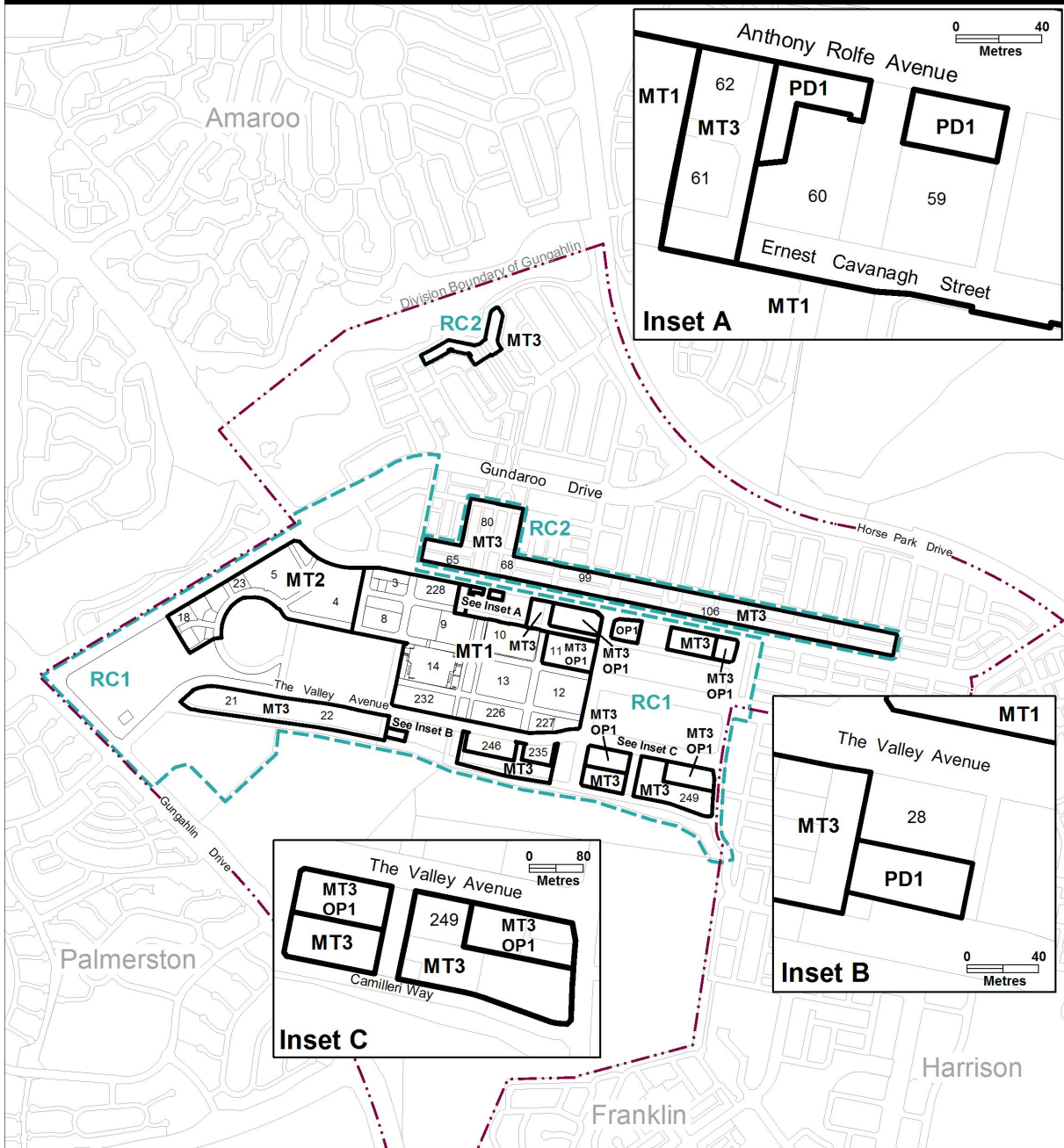
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Appendix A

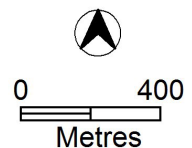
Gungahlin Precinct Map and Code

includes
Gungahlin Town Centre

Gungahlin Precinct Map



- PD_n** Additional prohibited development applies see Table 1
- MT_n** Additional merit track development applies see Table 2
- OP_n** Ongoing provisions apply see Gungahlin Precinct Code
- RC_n** Additional rules and criteria apply see Gungahlin Precinct Code



Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Gungahlin Precinct Map (identified as PDn or MTn). Development that is exempt from requiring development approval, other prohibited development and the minimum assessment track applicable to each development proposal is set out in the relevant zone development table.

The following tables constitute part of the relevant zone development table.

Table 1 – Additional prohibited development

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CFZ	<i>retirement village supportive housing</i>

Table 2 – Additional merit track development

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	CZ1	<i>produce market</i>
MT2	CZ3	<i>correction facility</i>
MT3	CZ5	<i>craft workshop drink establishment indoor entertainment facility tourist resort</i>

Gungahlin Precinct Code

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Introduction

Name

The name of this code is **Gungahlin Precinct Code**.

Application

The code applies to the Division of Gungahlin.

Purpose

This code provides additional planning, design and environmental controls for specific areas or blocks and may also contain references to provisions in other codes.

In conjunction with other relevant codes it will be used by the *Authority* to assess development applications and offer guidance to intending applicants in designing development proposals and preparing development applications.

Structure

This code contains additional rules and/or criteria for particular blocks or parcels identified as areas RCn on the precinct map, to be read in conjunction with the relevant development code. It may also contain sub-parts.

Each element has one or more rules and, unless the respective rule is mandatory, each rule has an associated criterion. Rules provide quantitative, or definitive, controls. By contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules are accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” is found where a criterion only is applicable.

Code hierarchy

Under the *Planning and Development Act 2007*, where more than one type of code applies to a development, the order of precedence if there is inconsistency of provisions between codes is: precinct code, development code and general code.

If more than one precinct code applies to the site, the most recent precinct code takes precedence to the extent of any inconsistency.

Definitions

Defined terms, references to legislation and other documents are italicised.

Definitions of terms used in this code are listed in part 13 of the Territory Plan or, for terms applicable only to this code, associated with the respective rule.

Acronyms

EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
EPSDD	ACT Environment, Planning and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TCCS	ACT Transport Canberra and City Services

Additional rules and criteria

This part applies to blocks and parcels identified in the Gungahlin Precinct Map (RCn). It should be read in conjunction with the relevant zone development code and related codes.

RC1 – Gungahlin Town Centre

This part applies to blocks and parcels identified in area RC1 shown on the Gungahlin Precinct Map. RC1 includes the Gungahlin Town Centre. Figure 1 identifies the RC1 area in greater detail.

Gungahlin Town Centre is the major hub for employment, shopping, social activities and public transport particularly serving suburbs within the Gungahlin district. Gungahlin Town Centre is bounded on the north-west by Gundaroo Drive, the south-west by Gungahlin Drive, Anthony Rolfe Avenue to the north, Manning Clark Crescent to the east and the Mulangari Grasslands in the south.

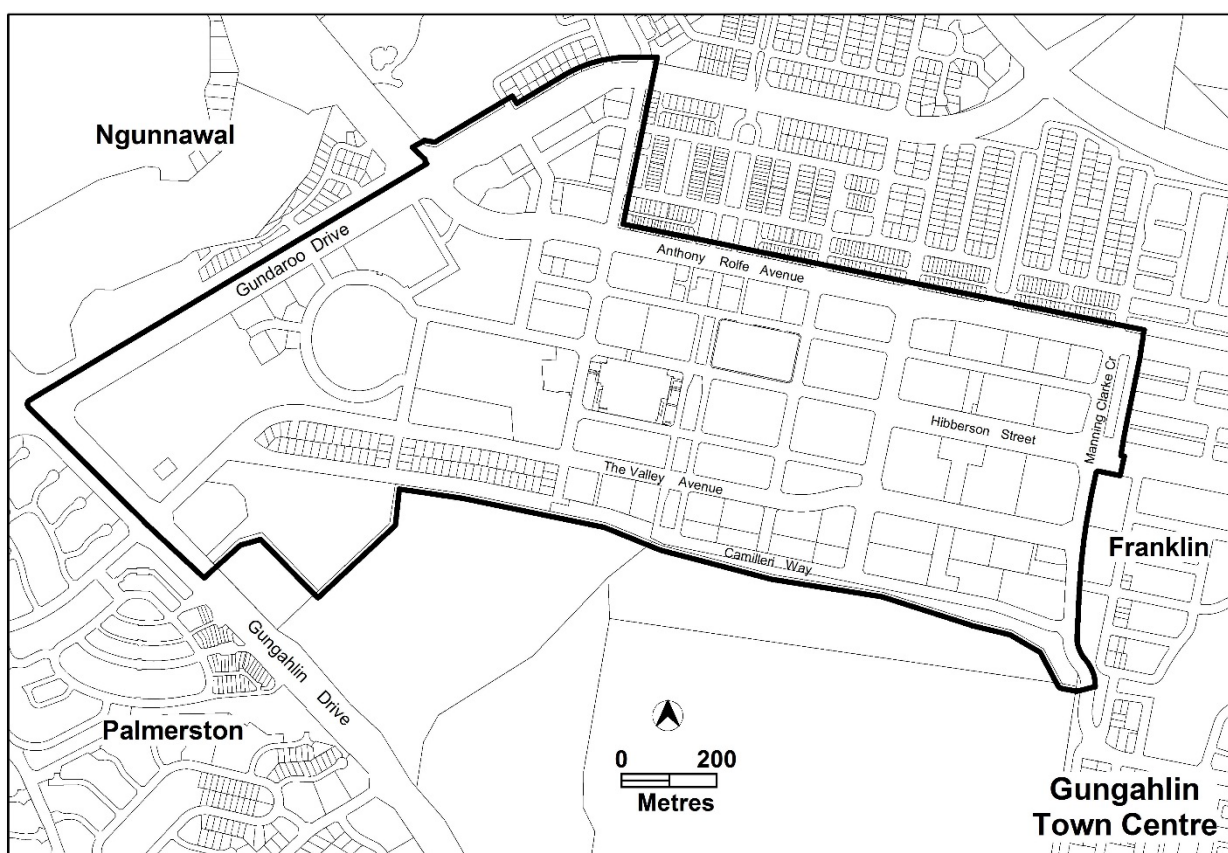


Figure 1 RC1 Area – Gungahlin Town Centre

Purpose

The purpose of the provisions relating to the Gungahlin Town Centre (RC1) is to:

- a) guide the design and assessment of *estate development plans* (subdivision proposals) in Gungahlin Town Centre
- b) inform the allocation of final zones at the time when a parcel of land ceases to have a future urban area (FUA) overlay (refer to note below) following subdivision
- c) guide the development of individual *blocks* in concert with other relevant codes under the *Territory Plan*
- d) support zone objectives and assessable uses in the development tables
- e) guide the development and management of the public realm.

A future urban area (FUA) overlay on the Territory Plan map identifies land that has yet to be developed. The final zoning, while generally indicated on the Territory Plan map, will be set after *an estate development plan* has been approved in accordance with the provisions of a relevant precinct code.

Desired planning outcomes

The intent of the development controls is to:

- (a) provide a mix of land use types and densities
- (b) provide opportunities for people to live, work and recreate which delivers environmental, social and economic benefits for the community
- (c) balance and protect residential amenity with the commercial uses
- (d) provide a safe and vibrant night time economy
- (e) ensure retail activity is well distributed around the retail core and future sites are viable through inclusion of an anchor store
- (f) promote social inclusion through providing accessible commercial and community facilities
- (g) provide a structure to the town centre that is robust, while recognising the changing needs of the town centre
- (h) continue the 'main street' character to Hibberson Street that promotes quality of public realm and a 'human scale' to the built form
- (i) provide public spaces and a street network that promotes pedestrian movement, particularly along Hibberson Street and Gungahlin Place
- (j) provide opportunity for a variety of public transport
- (k) build upon the distinct public domain character and provide opportunity for variety and change in the public realm
- (l) encourage flexibility and innovation in design of the built form and open space
- (m) provide a street network designed for low vehicle speeds and easy pedestrian access
- (n) provide for a range of employment within the town centre
- (o) design of buildings, infrastructure and public realm spaces to reflect needs of a changing climate.

Part A – General Development

The following elements apply to the future urban area within the Gungahlin Town Centre. This part applies to blocks and parcels identified in area RC1 shown on the Gungahlin Precinct Map. RC1 includes the Gungahlin Town Centre.

Element 1: Land use zones

Rules	Criteria
<p>R1</p> <p>A minimum of 3.8 hectares of land is provided with a community facility zone within the area shown in Figure 2.</p>	<p>C1</p> <p>A community needs assessment approved by the planning and land authority is required to identify community uses in the area identified in Figure 2 or located elsewhere in the town centre. Community uses will be identified as community facility zoned land and/or a specified minimum gross floor area within a mixed use or multi use development.</p> <p>The community needs assessment achieves all of the following:</p> <ul style="list-style-type: none"> a) considers the demand for community facilities in the town centre to service the needs of the Gungahlin community b) identifies mechanism(s) and safeguards to make sure that gross floor area is retained for community uses within a mixed use development c) takes into account facilities and zoning for community facilities already located within the town centre.

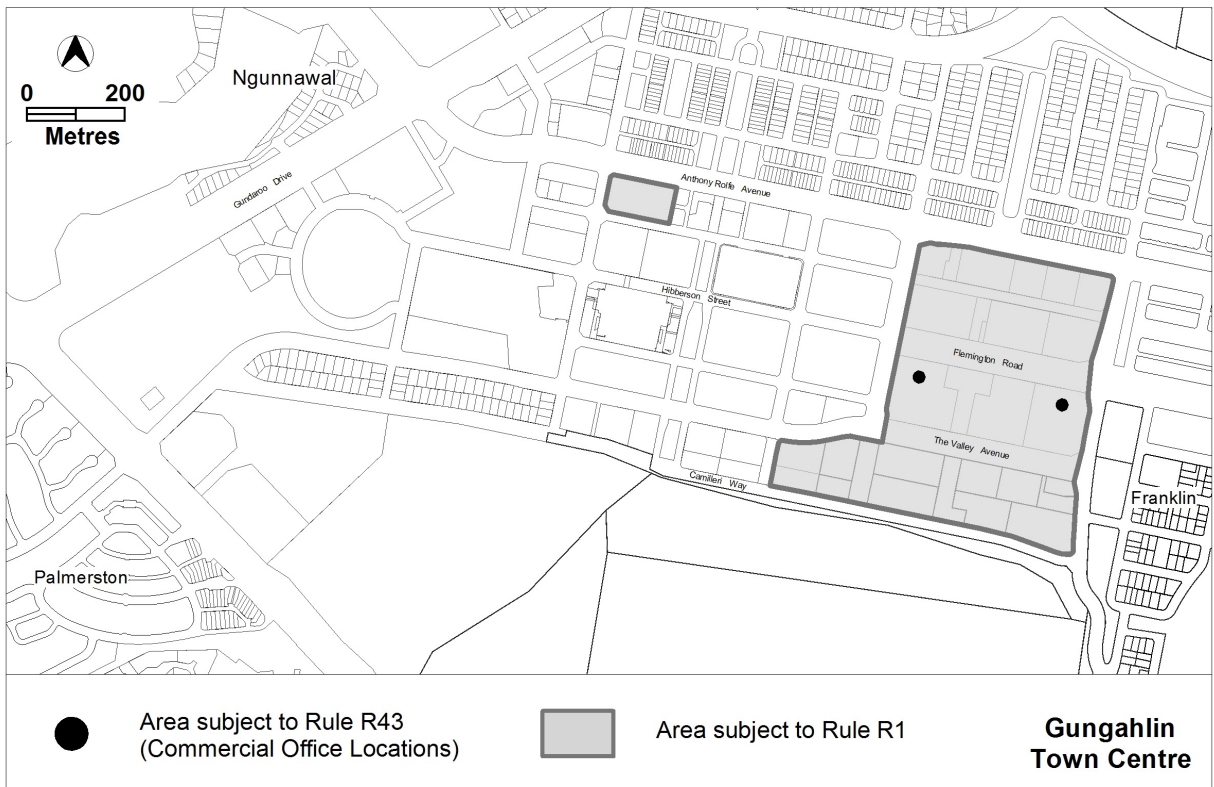


Figure 2 Location of land available for zoning as Community Facility CFZ zone

Element 2: Bushfire protection

Rules	Criteria
2.1 Bushfire protection	
<p>R2</p> <p>Development in Area A complies with all of the following (see Figure 3):</p> <ul style="list-style-type: none"> a) Any development in Area A complies with <i>Planning for Bushfire Risk Mitigation General Code</i> b) A perimeter road is to be provided along the southern edge of Area A. All roads constructed within this area need to comply with ACT Fire & Rescue standards c) Well Station Track is to be maintained as a fire trail and provide access gates from the perimeter road. d) Fencing between Well Station Track and Mulanggari Grassland is to comply with <i>Planning for Bushfire Risk Mitigation General Code</i> and be endorsed by the relevant land manager e) Hydrants are to be provided along the perimeter road to the satisfaction of the ACT Emergency Services Agency (ESA) f) Open space adjacent to the bushfire interface area within the town centre is maintained in accordance with the Strategic Bushfire Management Plan. <p>A bushfire risk assessment plan endorsed by the ACT Emergency Services Agency and the Conservator of Flora and Fauna is required for any development within or adjacent to the bushfire prone area identified in Figure 3 as a 20m wide Inner Asset Protection Zone (IAPZ) within the Well Station Track reserve. The plan must not impose any bushfire management strategies within Mulanggari Grasslands. The bushfire management strategies identified in the bushfire risk management plan must be consistent with the standards specified in the Strategic Bushfire Management Plan (SBMP).</p>	<p>C2</p> <p>Development within or adjacent to the bushfire prone area identified in Figure 3 is endorsed by the Territory. In making its assessment the Territory will consider all of the following:</p> <ul style="list-style-type: none"> a) vegetation types and management b) access for emergency vehicles c) management objectives and values on the land to be effected by the proposed bushfire management strategies <p>Development within this area must not impose any bushfire management strategies within Mulanggari Grasslands. If the proposed bushfire management strategies do not meet the standards specified in the Strategic Bushfire Management Plan, justification is required for any differences (for instance, reduced risk or alternative but equivalent strategy).</p>

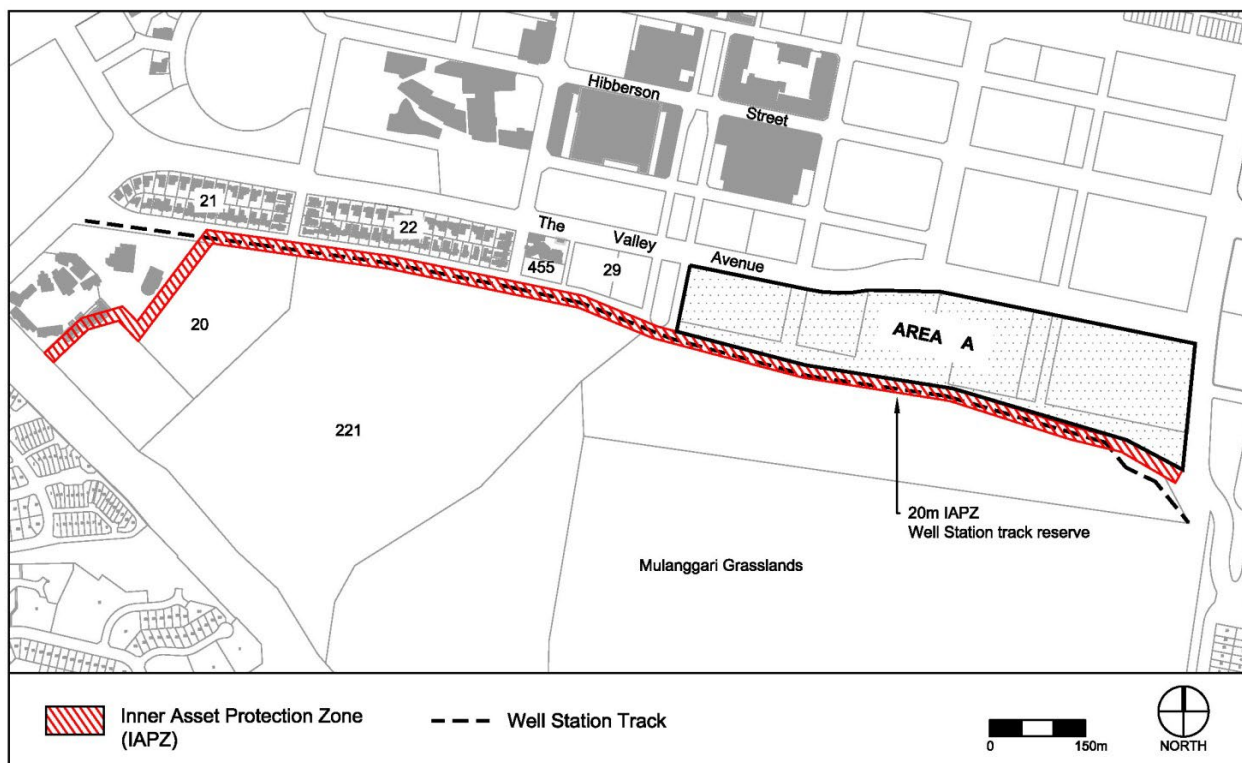


Figure 3 Bushfire protection

Element 3: Restrictions on use

Rules	Criteria
3.1 Ground floor use – CZ5	
<p>R3</p> <p>One or more of the following uses are not permitted above the ground floor:</p> <ul style="list-style-type: none"> a) <i>craft workshop</i> b) <i>indoor entertainment facility</i> c) <i>indoor recreation facility</i> d) NON RETAIL COMMERCIAL USE e) <i>restaurant</i> f) SHOP 	<p>C3</p> <p>Noise generating uses are located to minimise impacts on residential or commercial accommodation.</p>
3.2 Ground floor use – CZ5 – floor area limit	
<p>R4</p> <p>Where development includes one or more of the following:</p> <ul style="list-style-type: none"> a) <i>craft workshop</i> b) <i>indoor entertainment facility</i> c) <i>indoor recreation facility</i> 	<p>C4</p> <p>The scale of leisure, recreation, community and commercial activities included with multi unit housing development achieves all of the following:</p> <ul style="list-style-type: none"> a) ancillary to RESIDENTIAL USE b) services the local residents only.

d) <i>NON RETAIL COMMERCIAL USE</i> e) <i>Restaurant</i> f) <i>SHOP</i> the maximum <i>gross floor area</i> per establishment or tenancy is 200 m ²	
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Element 4: Building and site controls

Rules	Criteria
4.1 Height of buildings	
R5 Minimum <i>height of buildings</i> is two (2) <i>storeys</i> however uses such as service stations, places of worship, community facility uses, or ancillary structures may be one (1) <i>storey</i> except where an alternative minimum building height has been specified in this precinct code.	C5 Buildings achieve a compact urban form and are consistent with the desired planning outcomes described in the introduction of this document.

Element 5: Built form

Rules	Criteria
5.1 Building design - general	
There is no applicable rule.	C6 Development complies with all of the following: <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) corner buildings contain focal points providing architectural interest and variety to the building design c) entrances to common lobbies for residential use provide strong visual connection to the street and ensure a high level of surveillance for active travel routes d) buildings incorporate sun shading to reduce summer sun into the building interior e) car parking structures are designed to integrate with the built form of adjoining development f) buildings fronting the linear park (as shown in figure 11) are designed to provide casual surveillance to users of the linear park.

<p>There is no applicable rule.</p>	<p>C7</p> <p>This criterion applies to all new developments, major alterations and/or extensions to existing buildings (if the work affects more than 50% of the floor area of the whole of an existing building), or changes of use that require approval of a Development Application (DA) by the planning and land authority:</p> <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> a) reinforces, enhances and addresses public transport stops and active travel routes to create active spaces for pedestrian activity b) enhance and promote active interface between buildings and the public domain.
<p>R8</p> <p>Open structured car parks, loading docks and substations are not located on frontages to the street in the area shown in Figure 4.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C9</p> <p>Buildings located on street frontages identified in Figure 4 achieve all of the following:</p> <ul style="list-style-type: none"> a) contribution to the character and amenity of adjacent public spaces b) interesting, functional and attractive facades that contribute positively to the <i>streetscape</i> and pedestrian experience c) articulated building forms.
<p>5.2 Noise management plan</p>	
<p>R10</p> <p>New residential development or residential component within a mixed use development on sites identified within the entertainment precinct (Figure 5) will need to demonstrate noise mitigation measures for approval by the ACT Environment Protection Authority.</p> <p>Note: a noise management plan will form part of the development application.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

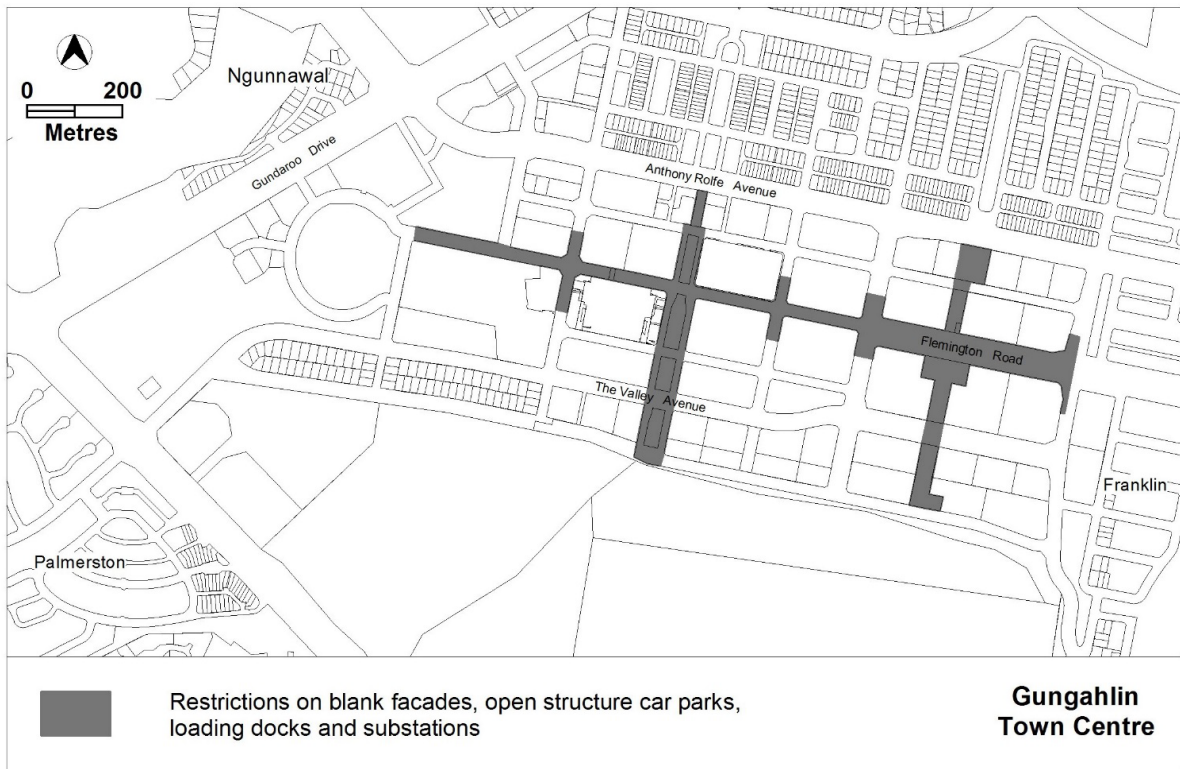


Figure 4 Restrictions on open structure car parks, loading docks and substations

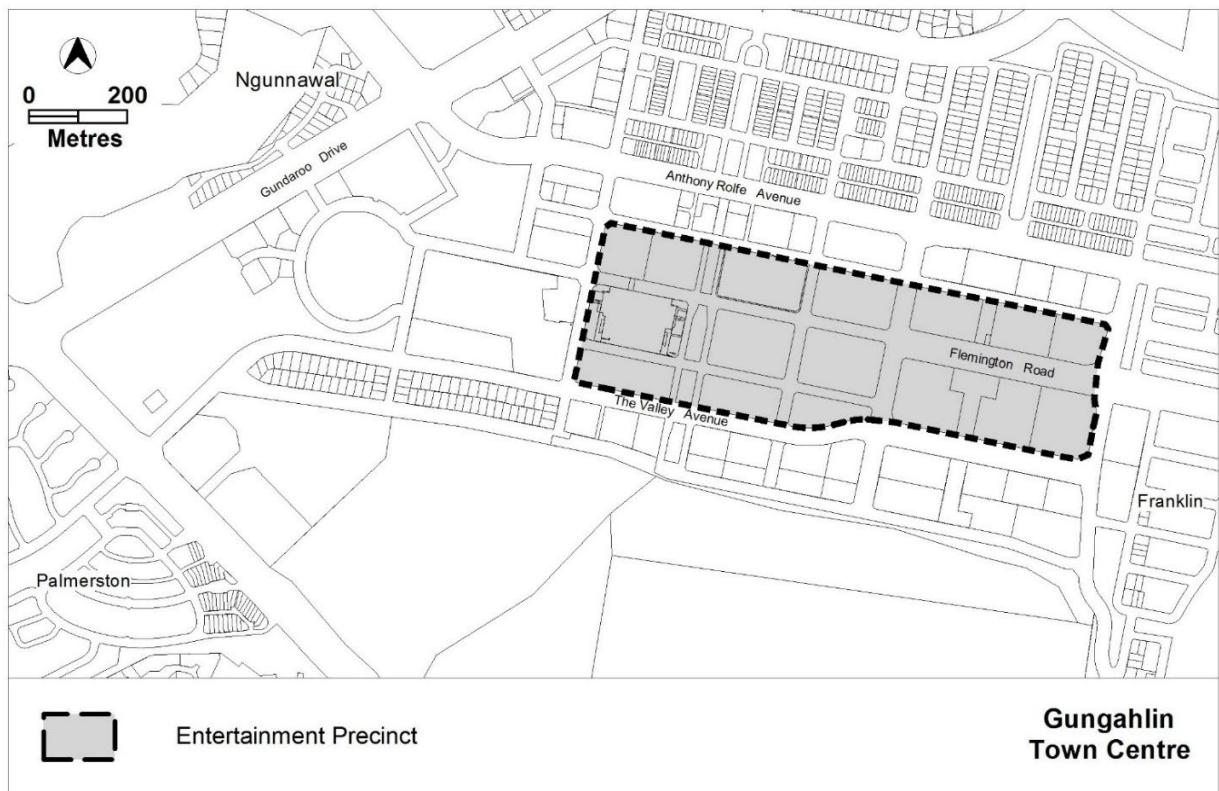


Figure 5 Entertainment precinct

Note: Land included in the entertainment precinct includes blocks that may be affected by noise from external sources. Development of multi unit housing in this area is subject to the noise attenuation requirements contained in the multi unit housing development code.

Rules	Criteria
5.3 Public transport stations and adjacent development	
<p>R11</p> <p>Public transport stops or stations are provided at the locations shown in Figure 6.</p>	<p>C11</p> <p>The location of public transport stations on Hibberson Street and Flemington Road achieve all of the following:</p> <ul style="list-style-type: none"> a) supports public transport usage by town centre patrons b) provides access to retail and office areas c) is endorsed by the Territory.
<p>There is no applicable rule.</p>	<p>C12</p> <p>New buildings adjacent to a public transport bus and light rail station shown in Figure 6 are designed to achieve all of the following:</p> <ul style="list-style-type: none"> a) be transit-oriented development with main building entrances located within close walking distance to the public transport station and clearly addressing the station b) provide improved access for pedestrians and cyclists between the station and verge to ensure continuity and ease of active travel routes c) ensure visual amenity by having vegetation and shade for comfort and minimise hard paving d) promote active frontages to the public transport station.
<p>There is no applicable rule.</p>	<p>C13</p> <p>Development <i>adjacent</i> to a public transport bus and/ or light rail station will comprise use(s) which meet the needs of commuters.</p>

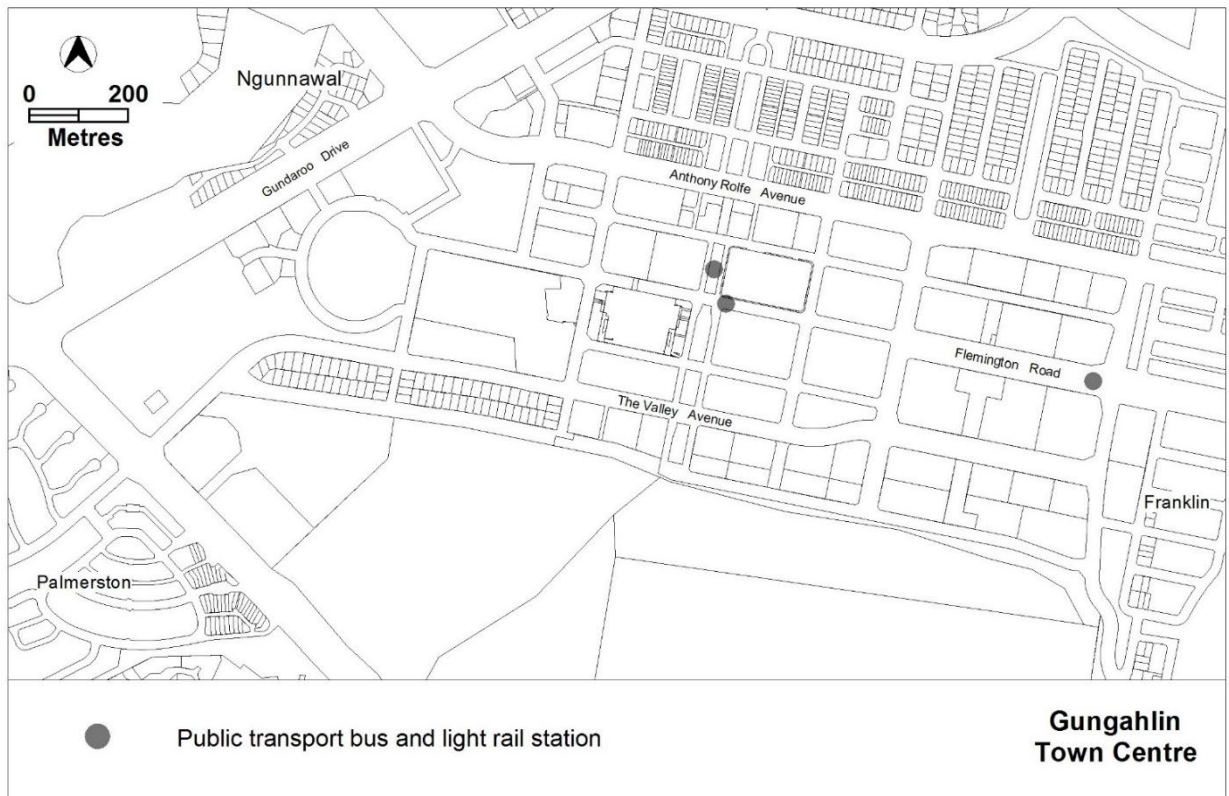


Figure 6 Public transport bus and light rail stations

Element 6: Parking and site access

Rules	Criteria
6.1 Sites for public car parking	
<p>R14</p> <p>Development on <i>sites</i> identified in Figure 7 includes one (1) of the following:</p> <ul style="list-style-type: none"> a) surface car park with number of spaces endorsed by the Territory agency responsible for parking policy b) other development where all of the following are provided: <ul style="list-style-type: none"> i) provide a number of car parking spaces endorsed by the Territory agency responsible for parking policy ii) accommodate onsite any additional demand for car parking generated by the development iii) ensure the number of car parking spaces identified in rule R14 b) i) remains available for public access iv) complies with the <i>Parking and Vehicular Access General Code</i>. 	<p>C14</p> <p>Development on <i>sites</i> identified in Figure 7 may be considered where the development achieves all of the following:</p> <ul style="list-style-type: none"> a) any additional parking provision requirements (under the <i>Parking and Vehicular Access General Code</i>) for the development b) makes a substantial contribution to the long-term public parking supply for the whole town centre as endorsed by the Territory.

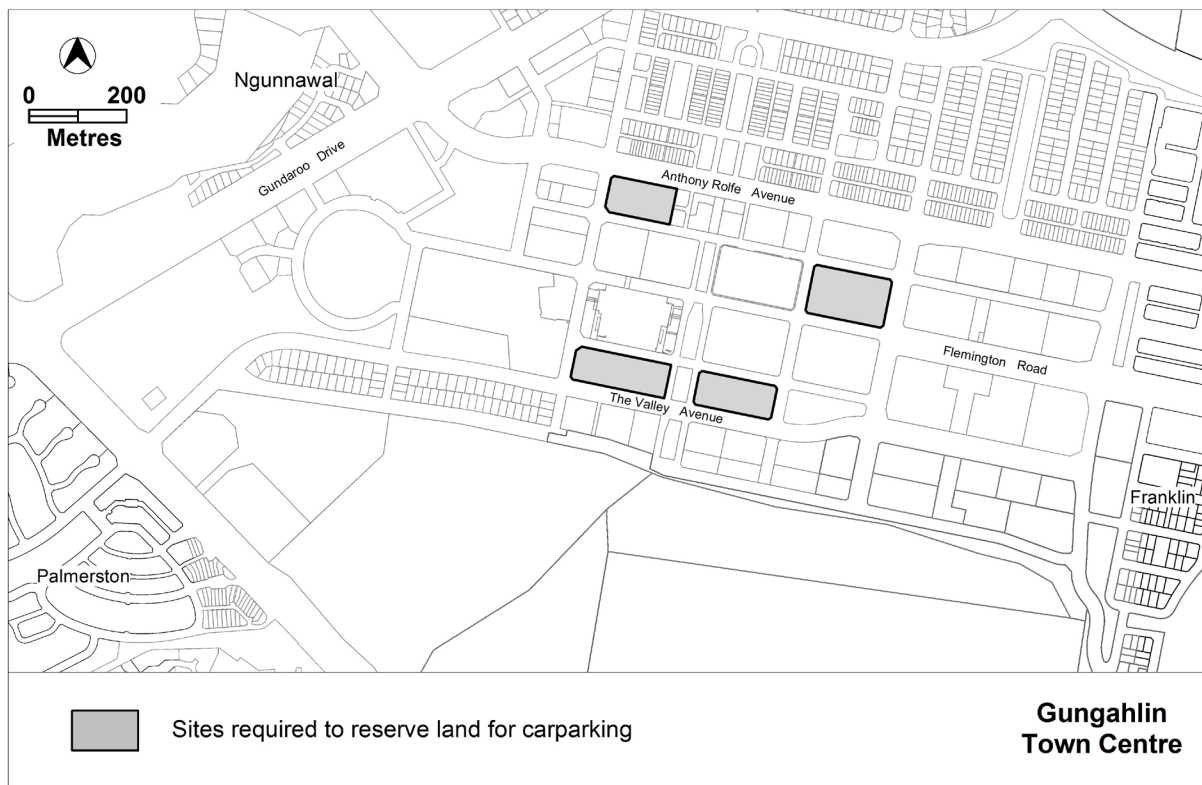


Figure 7 Location of sites for public car parking

Rules	Criteria
6.2 Restrictions on driveway access	
<p>R15</p> <p>Driveway access or egress to Hibberson Street, Flemington Road and Gungahlin Place is not permitted, other than being ancillary to the transport infrastructure in areas shown in Figure 8.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R16</p> <p>Driveway access or egress from roads identified as limited direct access shown in Figure 8 is not permitted.</p>	<p>C16</p> <p>Verge crossings and driveways may be permitted on blocks identified as having limited direct access / egress in Figure 8 where all of the following can be demonstrated:</p> <ol style="list-style-type: none"> a need based on localised traffic impact and movements a safe and effective spacing of access points between adjacent blocks and sections does not adversely impact on active travel routes or their priority.

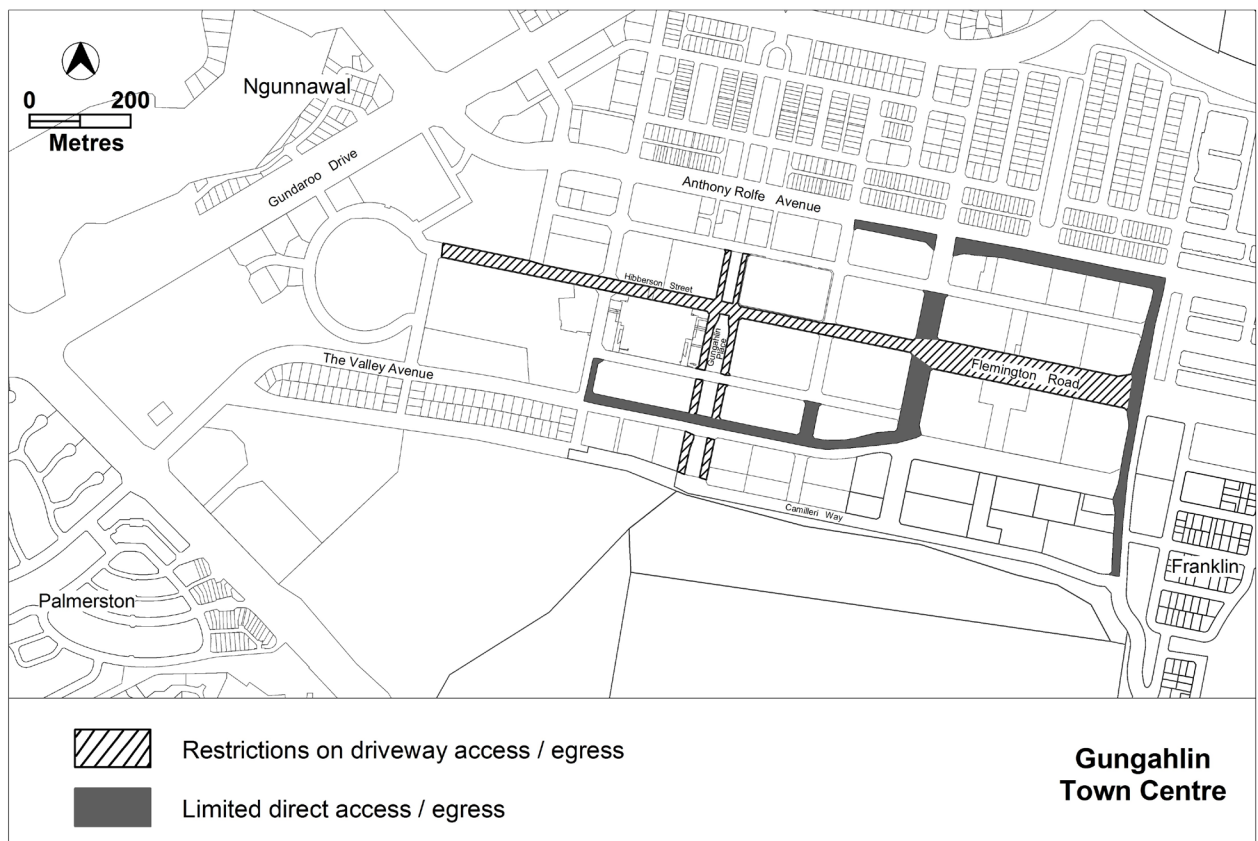


Figure 8 Restriction on driveway access and egress

Element 7: Amenity

Rules	Criteria
7.1 Design of Hibberson Street and Flemington Road public realm	
There is no applicable rule.	<p>C17</p> <p>Hibberson Street and Flemington Road, between Gozzard Street and Manning Clarke Crescent, has all of the following characteristics:</p> <ul style="list-style-type: none"> a) provides convenient pedestrian access along both sides of Hibberson Street to promote an accessible and safe environment for active shop fronts b) provides convenient and safe pedestrian access across Hibberson Street at appropriate locations between the adjacent retailing c) provides direct and visible pedestrian access to public transport facilities along Hibberson Street.
7.2 Design of Gungahlin Place public realm	
There is no applicable rule.	<p>C18</p> <p>Gungahlin Place, between Ernest Cavanagh Street and Camilleri Way, has all of the following characteristics:</p> <ul style="list-style-type: none"> a) provide direct and convenient east-west and north-south pedestrian and cycling access in Gungahlin Place between adjacent retailing and community amenities b) provide pedestrian access along both verges within Gungahlin Place to promote an accessible and safe environment for active shop fronts c) provide open space in Gungahlin Place that allows for outdoor seating areas and promotes uses such as community events, markets, cafes and kiosks d) provide unobtrusive weather protection and high quality landscaping with canopy trees within Gungahlin Place that is consistent with the surrounding character and use of Gungahlin Place.

Rules	Criteria
7.3 Active frontage	
<p>R19</p> <p>For building frontages shown as 'Active Frontage – Mandatory' in Figure 9, ground floor frontages comply with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows and shop fronts at the ground floor level b) buildings incorporate direct pedestrian access at grade with the verge level for access and egress for persons with disabilities c) blank walls without windows will be a maximum of 30% of the building frontage and will be articulated or designed to contribute positively to the streetscape. 	<p>C19</p> <p>Where a street frontage has multiple active frontage requirements, as per Figure 9, an integrated plan is required to be prepared for the building that demonstrates how the frontage on the ground floor achieves all of the following:</p> <ul style="list-style-type: none"> a) clear display windows and shop fronts are incorporated into buildings b) pedestrian access is incorporated into the buildings and or shop fronts c) building design contributes positively to the streetscape d) maximise articulated building façade.
<p>R20</p> <p>For building frontages shown as 'Active Frontage – Adaptable Built Form' in Figure 9, ground floor frontage is to comply with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows or shop fronts b) buildings incorporate pedestrian access and egress for persons with disabilities. 	<p>C20</p> <p>For buildings fronting streets identified as 'Active Frontage – Adaptable Built Form' in Figure 9, development at ground floor level achieves all of the following:</p> <ul style="list-style-type: none"> a) be adaptable for shops b) where building access is provided, pedestrian access is from the street.
<p>R21</p> <p>For buildings located along 'Active Frontage – Partial' shown in Figure 9, ground floor frontages and building design comply with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows and shop fronts at the ground floor level b) blank walls without windows will be a maximum of 50% of the building frontage and will be articulated or designed to contribute positively to the streetscape. c) buildings incorporate pedestrian access for access and egress for persons with disabilities at the main and secondary entrances. 	<p>C21</p> <p>For buildings located along 'Active Frontage – partial' shown in Figure 9, ground floor frontages and building design comply with all of the following:</p> <ul style="list-style-type: none"> a) ensure the building façade is designed to provide sufficient natural surveillance to the street/ spaces b) provide access where buildings front the public domain c) 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.

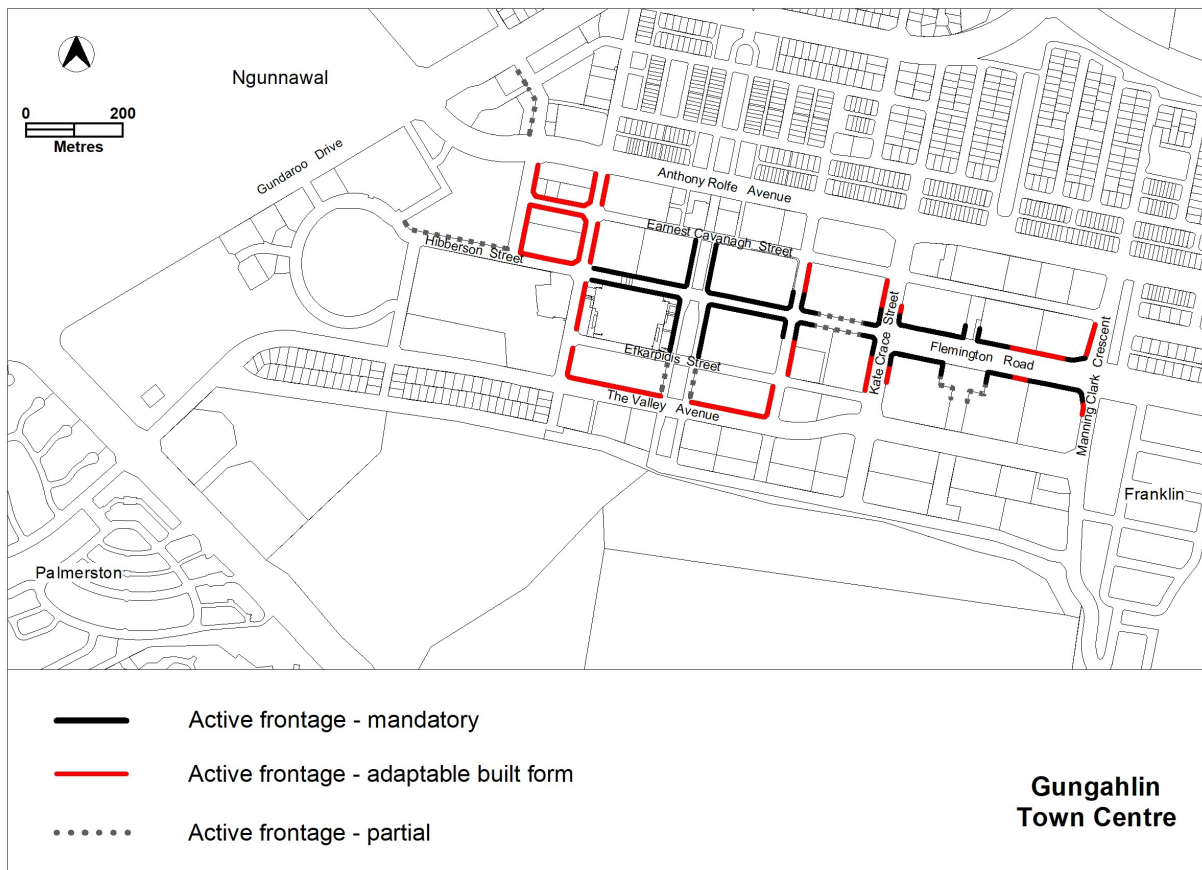


Figure 9 Active frontage requirements

Rules	Criteria
<p>7.4 Landscape</p> <p>There is no applicable rule.</p>	<p>C22</p> <p>Landscaping achieves all of the following:</p> <ul style="list-style-type: none"> a) is sensitive to <i>site</i> attributes, including <i>streetscapes</i> and landscapes of documented heritage significance b) use of vegetation types and landscaping styles which complement the <i>streetscape</i> character and integrate with Gungahlin Place, linear parks, public spaces, reserves and public transport corridors c) contributes to energy efficiency and amenity of public space by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor spaces d) satisfies utility maintenance requirements and minimises the visual impact and risk of damage to aboveground and underground utilities

	<ul style="list-style-type: none"> e) provides landscaping with low and high elements which does not obscure or obstruct sightlines to building entries, paths and driveways to reduce the actual or perceived personal safety and security f) tree planting in and around car parks to provide shade and soften the visual impact of parking areas g) Water Sensitive Urban Design (WSUD) principles are applied to all landscape treatments within the town centre h) Drought tolerant plant species are used in both public and private realms to contribute to a high quality landscape character.
Rules	Criteria
<p>There is no applicable rule.</p>	<p>C23</p> <p>This criterion applies to the residential development or residential components of mixed use development.</p> <p>Communal open space complies with all of the following:</p> <ul style="list-style-type: none"> a) provide for active and passive recreation needs of all residents b) unpaved soft landscaped areas with vegetation will form a significant part of the total communal open space area c) designed to present as a private area for use by the residents d) includes passive surveillance from adjacent internal living areas and/or pathways e) have a northerly aspect where possible f) be in addition to any public thoroughfares 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 h) adequate shade through landscape plantings. <p>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.</p>

Part B - Area specific controls

This part contains area specific controls that apply to precincts within the Gungahlin Town Centre, as shown in Figure 10.

The rules and criteria of Part B shall take precedence if there is an inconsistency with any other part of this code.

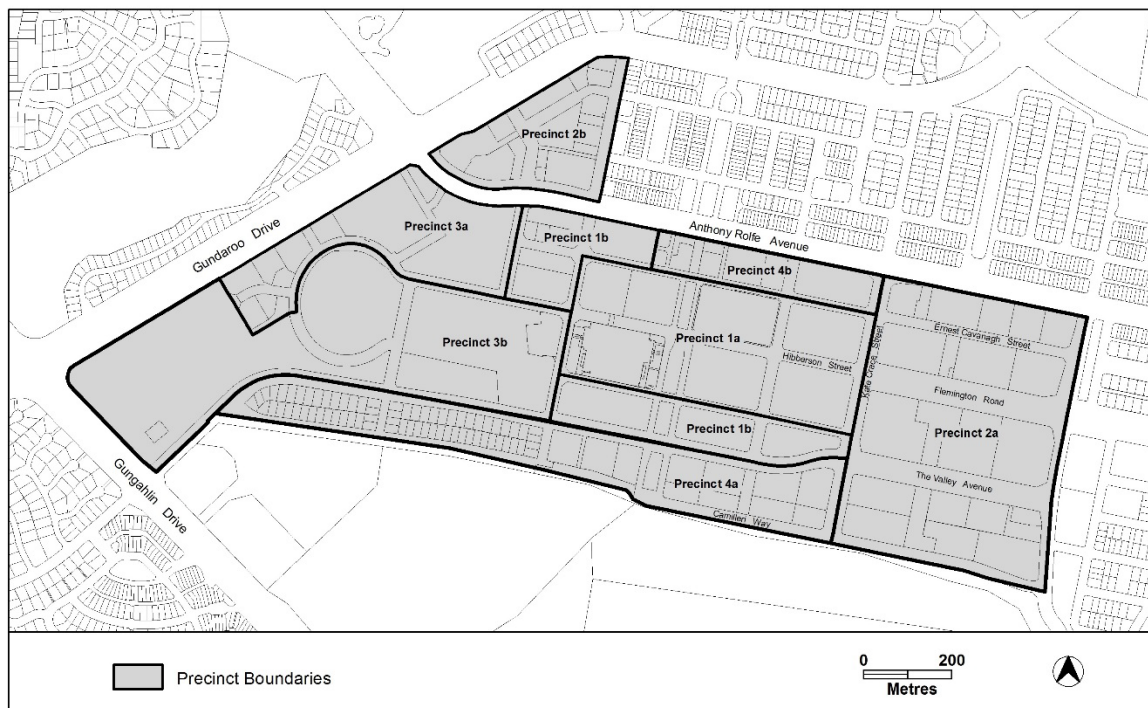


Figure 10 Precinct areas within the Gungahlin Town Centre

Gungahlin Town Centre has several precincts:

Precinct 1a – Retail Core

Precinct 1b – Retail Core Mixed Use

Precinct 2a – Mixed Use East

Precinct 2b – Mixed Use North West

Precinct 3a – Services and Trades

Precinct 3b – Major Community and Recreation Facilities

Precinct 4a – Southern Transition

Precinct 4b – Northern Transition

In this code:

Large retail anchor means a department store, cinema complex with more than 3 screens or a supermarket or retail outlet of 1200m² or more in *gross floor area*.

Precinct 1a – Retail core

The following elements apply to precinct 1a shown in Figure 10.

Element 8: Use

Rules	Criteria
8.1 Ground floor use	
<p>R24</p> <p>This rule applies to buildings with frontages to main pedestrian areas and routes as shown in Figure 11.</p> <p>One or more of the following uses are permitted at the ground floor level:</p> <ul style="list-style-type: none"> a) <i>business agency</i> b) <i>club</i> c) <i>community activity centre</i> d) <i>drink establishment</i> e) <i>financial establishment</i> f) <i>hotel</i> g) <i>indoor entertainment facility</i> h) <i>indoor recreation facility</i> i) <i>public agency</i> j) <i>restaurant</i> k) <i>SHOP</i> 	<p>C24</p> <p>Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space.</p>
8.2 Protection of retail expansion opportunities	
<p>R25</p> <p>The following uses are not permitted on both the ground and first floors of buildings in Precinct 1a:</p> <ul style="list-style-type: none"> a) <i>Serviced apartment</i> b) <i>RESIDENTIAL USE</i> 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
8.3 Development in Gungahlin Place	
<p>R26</p> <p>This rule applies to sections 36, 37 and 38.</p> <p>Development achieves all of the following:</p> <ul style="list-style-type: none"> a) a maximum of 200m² GFA per section b) a maximum of 75m² GFA per tenancy c) is endorsed by the land custodian. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

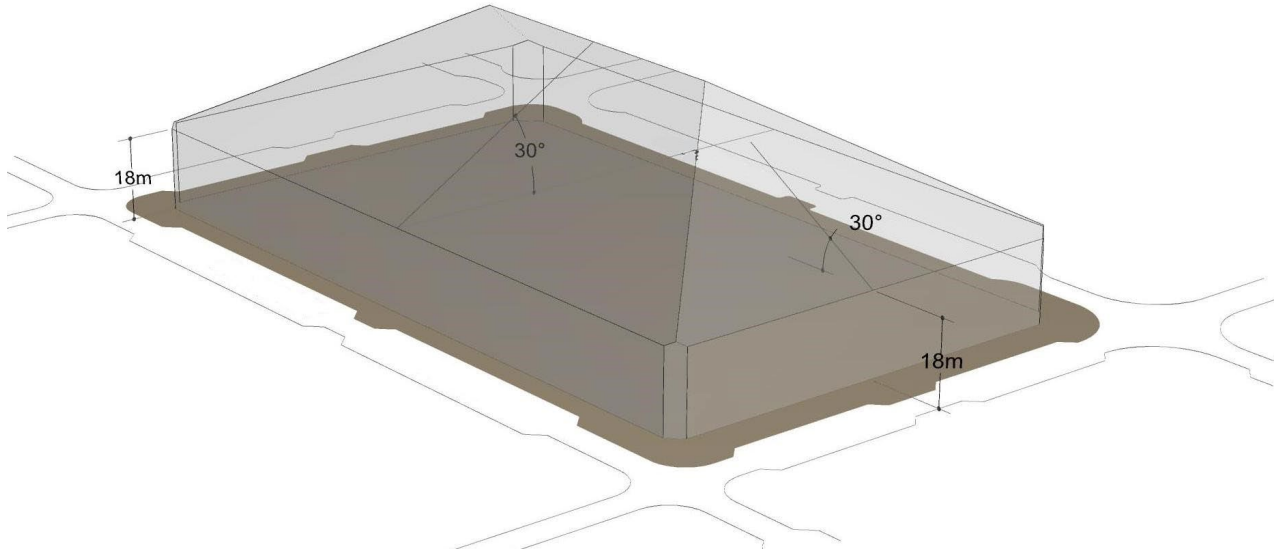
Rules	Criteria
8.4 Distribution and coordination of retail	
<p>R27</p> <p>Each section contains at least <i>one large retail anchor</i>.</p> <p>Note: The definition of <i>large retail anchor</i> can be found on the first page of Part B of this code.</p> <p>Note: This rule does not apply to unleased territory land including sections 36 and 37.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



Figure 11 Main pedestrian areas and routes and linear park

Element 9: Buildings

Rules	Criteria
9.1 Building envelope	
<p>R28</p> <p>Rooftop building elements, including lift overruns and plant and equipment are contained within the building envelope controls shown in Figure 12.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



Note: This illustration shows a potential built form within the building envelope

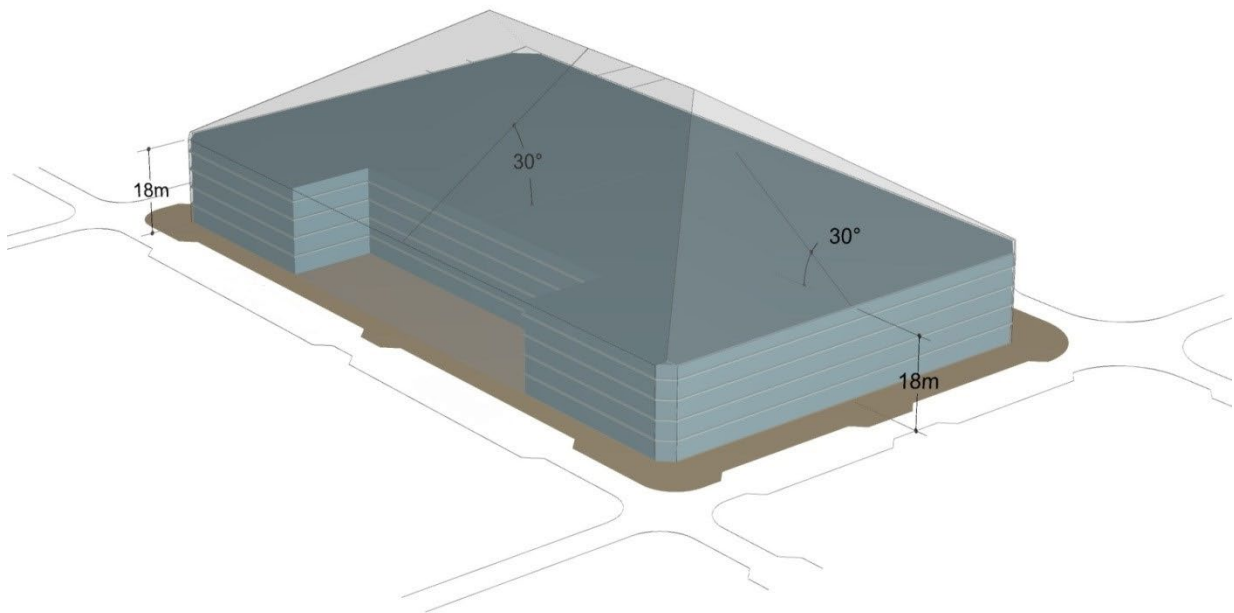


Figure 12 Building envelope in Precinct 1a

Rules	Criteria
9.2 Protection of solar access for activities on south side of Hibberson Street	
R29 For development on the northern side of Hibberson Street, development is to maintain a minimum of 3 hours solar access to the southern verge of Hibberson Street, particularly between 12 noon and 2 pm on the winter solstice (21 June).	C29 Buildings on the northern side of Hibberson Street are limited in height to ensure development on the southern side of Hibberson Street remains substantially sunlit, particularly between 12 noon and 2 pm on the winter solstice (21 June).
9.3 Setbacks	
R30 Buildings are joined at party walls and built to the front property boundary along main pedestrian areas and routes identified in Figure 11.	C30 Buildings achieve all of the following: a) consistency with desired planning outcomes b) compatibility with adjacent development. Minor setbacks in building alignment may be permitted to provide small spaces for active uses.

Element 10: Built form

Rules	Criteria
10.1 Building Design	
R31 The minimum ground floor level floor to ceiling height is 3.6m.	C31 Ground floor level of buildings is designed to be adaptable for commercial use.
There is no applicable rule.	C32 Major public entrances of retail centres achieve all of the following: a) are visible from the major public entrances of nearby retail centres b) provide convenient access between major public entrances of nearby retail centres.
10.2 Awnings	
R33 Buildings must incorporate awnings that comply with all of the following: a) cantilevered awnings for the full extent of the building frontage identified as 'Active frontage – mandatory' in Figure 9 and a minimum of 50% of the building frontage identified along main pedestrian areas and routes shown in Figure 11 b) awnings are to be a minimum height of 3m in cantilever width	This is a mandatory requirement. There is no applicable criterion.

- | | |
|---|--|
| <ul style="list-style-type: none">c) awnings are to be a minimum height of 3m above finished pavement or ground level of the verged) integrated with the building design at the first floor level. | |
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Precinct 1b – Retail core mixed use

The following elements apply to precinct 1b shown in Figure 10.

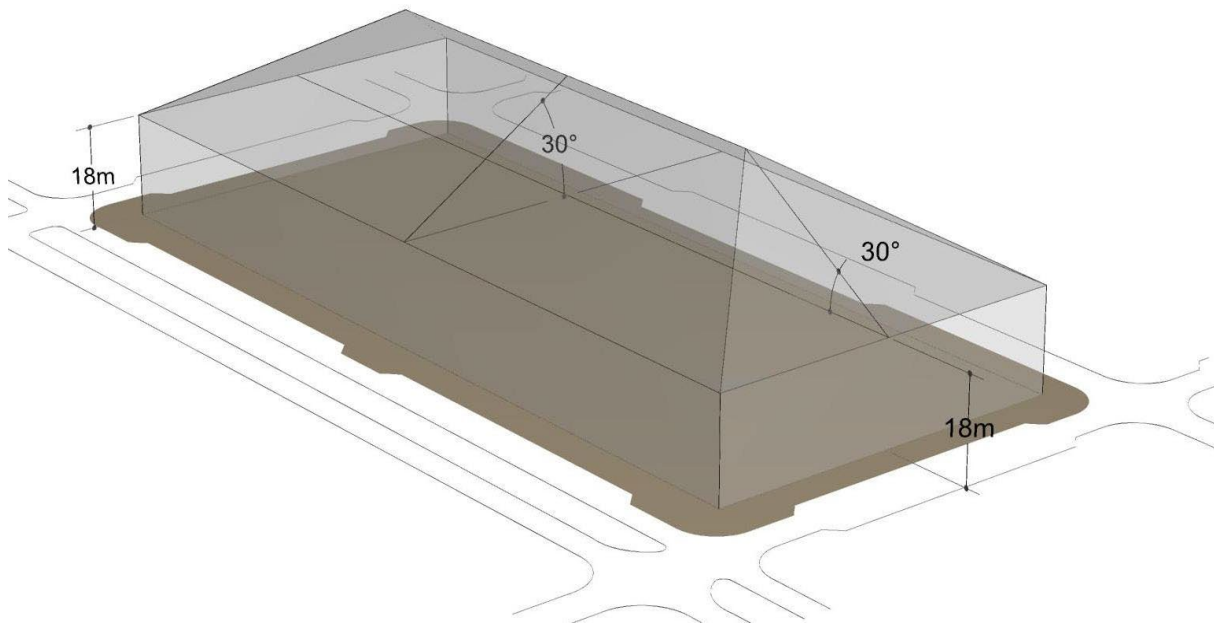
Element 11: Use

Rules	Criteria
11.1 Ground floor use	
<p>R34</p> <p>This rule applies to buildings with frontages to hatched area shown in Figure 8.</p> <p>One or more of the following uses are permitted at the ground floor level:</p> <ul style="list-style-type: none"> a) <i>business agency</i> b) <i>club</i> c) <i>community activity centre</i> d) <i>drink establishment</i> e) <i>financial establishment</i> f) <i>hotel</i> g) <i>indoor entertainment facility</i> h) <i>indoor recreation facility</i> i) <i>public agency</i> j) <i>restaurant</i> k) <i>SHOP</i> 	<p>C34</p> <p>Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space.</p>
11.2 Scale of retail activity	
<p>R35</p> <p>Until the five sections in Precinct 1a contains one (1) <i>large retail anchor</i>, the following uses in Precinct 1b are restricted to a maximum of 200m² <i>Gross Floor Area</i> per tenancy:</p> <ul style="list-style-type: none"> a) department store b) discount department store c) <i>supermarket</i> d) <i>SHOP</i> selling food <p>Note: This rule restricts the scale of the listed developments until the retail core area is developed. The definition of <i>large retail anchor</i> can be found on the first page of Part B of this code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
11.3 Development in Gungahlin Place	
<p>R36</p> <p>This rule applies to sections 36, 37 and 38. Development achieves all of the following:</p> <ul style="list-style-type: none"> a) maximum of 200m² GFA per section b) a maximum of 75m² GFA per tenancy 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

c) is endorsed by the land custodian.	
Rules	Criteria
11.4 Serviced apartment and residential use	
<p>R37</p> <p>The following uses are not permitted on both the ground and first floors of buildings in Precinct 1b:</p> <p>a) <i>Serviced apartment</i></p> <p>b) <i>RESIDENTIAL USE</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 12: Buildings

Rules	Criteria
12.1 Building envelope and setbacks	
<p>R38</p> <p>All building elements, including lift overruns and roof top plant are contained within the building envelope controls shown in Figure 13.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R39</p> <p>Buildings are joined at party walls and built to the front property boundary along main pedestrian areas and routes identified in Figure 11.</p> <p>This rule does not apply to the boundaries to Gungahlin Place of Section 226 Block 4 and Section 232 Block 1, Gungahlin.</p>	<p>C39</p> <p>Buildings achieve all of the following:</p> <p>a) consistency with desired planning outcomes</p> <p>b) compatibility with adjacent development</p> <p>Minor setbacks in building alignment may be permitted to provide small spaces for active uses.</p>
<p>There is no applicable rule.</p>	<p>C40</p> <p>This criterion applies to Section 226 Block 4 and Section 232 Block 1, Gungahlin, but does not apply to the Gozzard Street frontage and Hinder Street frontage.</p> <p>Buildings achieve all of the following:</p> <p>a) consistency with desired planning outcomes</p> <p>b) compatibility with adjacent development</p> <p>c) corner treatment with articulation in the building facade at the corner of Gungahlin Place and Efkarpidis Street</p> <p>d) where setbacks are proposed, reasonable space for active outdoor uses, the protection of any regulated trees, and the provisions of landscaping</p> <p>e) for outdoor spaces adjacent to Gungahlin Place, landscaping consistent with the landscaping in Gungahlin Place.</p> <p>Note: R39 and C39 apply to the Gozzard Street frontage and Hinder Street frontage.</p>



Note: This illustration shows a potential built form within the building envelope

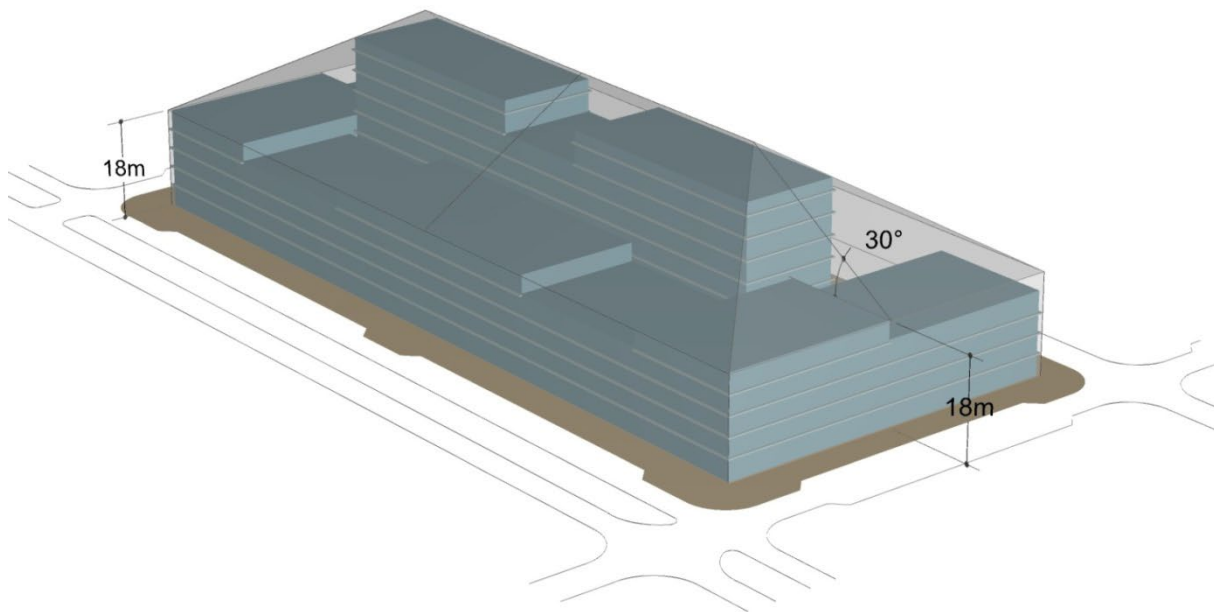


Figure 13 Building envelope in Precinct 1b

Element 13: Built form

Rules	Criteria
13.1 Building Design	
<p>R41</p> <p>The minimum ground floor level floor to ceiling height is 3.6m.</p>	<p>C41</p> <p>Ground floor level of buildings is designed to be adaptable for commercial use.</p>
13.2 Awnings	
<p>R42</p> <p>Buildings with front boundary setbacks less than 2m incorporate awnings that comply with all of the following:</p> <ul style="list-style-type: none"> a) cantilevered for the full extent of the building frontage along main pedestrian areas and routes identified in Figure 11 b) a minimum of 3m in cantilever width c) a minimum height of 3m above finished pavement or ground level of the verge d) integrated with the building design at the first floor level. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Precinct 2a – Mixed Use East

The following elements apply to precinct 2a shown in Figure 10.

Element 14: Use

Rules	Criteria
14.1 Protection of office development	
<p>R43</p> <p>Blocks 3 and 5 Section 231 will be exclusively for the development of commercial office and ancillary use.</p> <p>Note: In the event that these blocks are subdivided, the land for commercial office use will generally be located along Flemington Road.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
14.2 Street level uses	
<p>R44</p> <p><i>RESIDENTIAL USE</i> is not located at ground level where 'Active Frontage – Mandatory' is identified in Figure 9.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R45</p> <p>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:</p> <ol style="list-style-type: none"> <i>Business agency</i> <i>Drink establishment</i> <i>Health facility</i> <i>Public agency</i> <i>Restaurant</i> <i>SHOP</i> with a maximum GFA of 200m². 	<p>C45</p> <p>Buildings facing main pedestrian areas and routes identified in Figure 11 incorporate uses that generate activity at the ground level in the public space.</p>

Element 15: Buildings

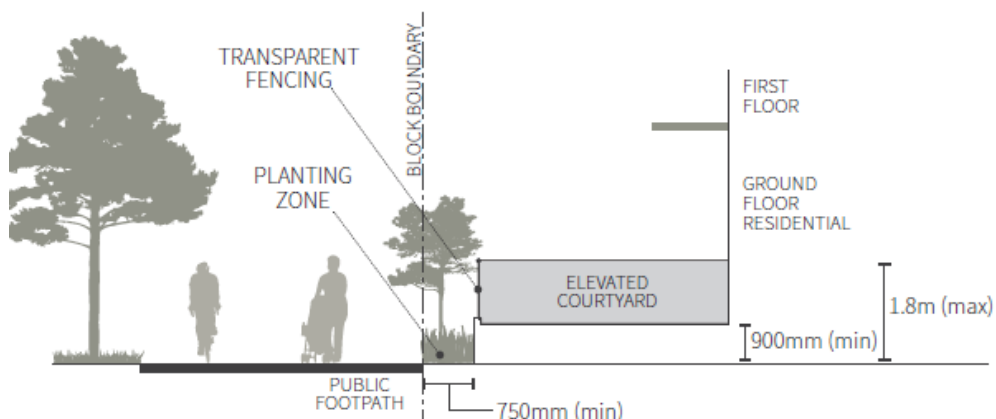
Rules	Criteria
15.1 Building heights	
<p>R46</p> <p>This rule applies to areas shown in Figure 14.</p> <p>Maximum <i>height of building</i> is:</p> <ol style="list-style-type: none"> area 'a': 8 storeys and not more than 32 metres area 'b': 6 storeys and not more than 24 metres area 'c': 3 storeys and not more than 12 metres. <p>For this rule the building height excludes all of the following:</p> <ol style="list-style-type: none"> roof top plant lift overruns antennas photovoltaic panels 	<p>C46</p> <p>The maximum <i>height of building</i> in area 'a' may be increased by an additional two <i>storeys</i> or six metres, where development achieves all of the following:</p> <ol style="list-style-type: none"> the taller building elements are located in accordance with Figure 14 and there is to be no more than two building elements per block there is a clear difference in height between elements within a block the development achieves a high quality

<p>e) air conditioning units f) chimneys, flues and vents</p> <p>Excluded items are setback from the building facade of the floor immediately below a minimum distance of 3 metres.</p>	<p>design outcome.</p>
Rules	Criteria
15.2 Overshadowing	
<p>There is no applicable rule.</p>	<p>C47</p> <p>The maximum <i>height of building</i> complies with all of the following:</p> <p>a) minimise detrimental impacts on adjacent development, including overshadowing and excessive scale</p> <p>b) contribute to the desired planning outcomes.</p>
15.3 Minimum numbers of storeys	
<p>R48</p> <p>Minimum number of storeys will be:</p> <p>a) Building fronting Flemington Road: 4 storeys including podium.</p> <p>b) Building fronting northern side of The Valley Avenue: 3 storeys</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
15.4 Building setbacks	
<p>R49</p> <p>Notwithstanding Rule R53, minimum building setbacks identified in Figure 15 are:</p> <ul style="list-style-type: none"> a) Flemington Road – nil setback b) Kate Crace Street and Manning Clarke Crescent between The Valley Avenue and Ernest Cavanagh – nil setback c) Anthony Rolfe Avenue – nil setback d) All other street frontages – 4m 	<p>C49</p> <p>Non-residential building elements are permitted within the 4m front setback if they contribute to the streetscape character.</p>
15.5 Podium height and setback	
<p>R50</p> <p>This rule applies to buildings with non-residential components at ground level which front main pedestrian routes identified in Figure 11.</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) minimum setback from the building line – 4m b) minimum podium height – 6.9m 	<p>C50</p> <p>Design of buildings at the ground and podium level promote human scale development.</p>
15.6 Above ground parking	
<p>R51</p> <p>Parking areas above ground level is not permitted fronting the following roads:</p> <ul style="list-style-type: none"> a) Flemington Road b) Manning Clarke Crescent c) Kate Crace Street 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
15.7 Building setback and articulation	
<p>R52</p> <p>Building podium fronting Flemington Road, Manning Clarke Crescent and The Valley Avenue will have a setback of 4m for 30% of the blocks <i>front boundary</i> length.</p>	<p>C52</p> <p>Building form and façades are articulated to reduce bulk of the development and promote an interesting streetscape.</p>

Rules	Criteria
15.8 Master plan for blocks of more than 10,000m²	
<p>There is no applicable rule.</p>	<p>C53</p> <p>This criterion applies to new development on blocks of more than 10,000m².</p> <p>A site analysis must be undertaken to inform the development of a master plan for the block. The master plan must outline all of the following:</p> <ul style="list-style-type: none"> a) a variation in building height and form to reduce bulk and scale of the buildings b) location of communal open space c) how development will address adjoining streets, intersections, corners and open space d) provision for pedestrian mid-block links which: <ul style="list-style-type: none"> i) relate and contribute to the wider open space and pedestrian network ii) are publicly accessible at all times iii) provide high level of safety and amenity for users. e) site access for loading and delivery <p>The master plan must be agreed to by the planning and land authority prior to lodgement of a development application.</p>
15.9 Ground floor level	
<p>R54</p> <p>Where residential uses are permitted along a main pedestrian route identified in Figure 11, the level of any habitable floor will not be lower than the verge or pedestrian access level.</p>	<p>C54</p> <p>Ground floor design of the building to promote active street frontage.</p>
15.10 Awning	
<p>R55</p> <p>Buildings must incorporate awnings that comply with all of the following:</p> <ul style="list-style-type: none"> a) Cantilevered awnings for the full extent of the building frontage identified as 'Active frontage – mandatory' in Figure 9 b) A minimum of 3m in cantilever width c) A minimum height of 3m above finished pavement or ground level of the verge d) Integrated with the building design at the first floor level. 	<p>This is a mandatory rule. There is no applicable criterion.</p>

Rules	Criteria
15.11 Residential interface to street	
<p>R56</p> <p>Residential development at ground floor level where it fronts main pedestrian areas and routes identified in Figure 11 complies with all of the following:</p> <ul style="list-style-type: none"> a) minimum front boundary setback – 4m b) <i>private open space</i> behind the front fence will have a minimum finished ground level of 900mm above the finished verge level c) pedestrian access to individual <i>private open space</i> is provided from the <i>street</i> d) front fencing should comply with all of the following: <ul style="list-style-type: none"> i) minimum <i>front boundary setback</i> – 750mm ii) maximum height above finished verge level – 1.8m iii) area between the <i>front boundary</i> and the front fence is to be landscaped iv) area behind the fence, within the <i>private open space</i>, is to be landscaped v) predominantly transparent vi) designed to integrate with the streetscape <p>Note: the above controls are illustrated in Section 1.</p> <p>Note: the 4m setback for residential forms a component of the 30% building articulation required by Rule R52.</p>	<p>This is a mandatory rule. There is no applicable criterion.</p>



Section 1: Example of residential interface to street

Element 16: Open space

Rules	Criteria
16.1 Linear park	
<p>R57</p> <p>A series of continuous open spaces will be established to form a linear park consistent with Figure 11.</p>	<p>This is a mandatory rule. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C58</p> <p>The linear park shown in Figure 11 shall be consistent with a landscape master plan and comply with all of the following:</p> <ul style="list-style-type: none"> a) unified and integrated park design b) high quality design and amenities including street furniture and lighting c) incorporates large canopy trees d) responds to adjacent developments.



Figure 14 Maximum building height in Precinct 2a

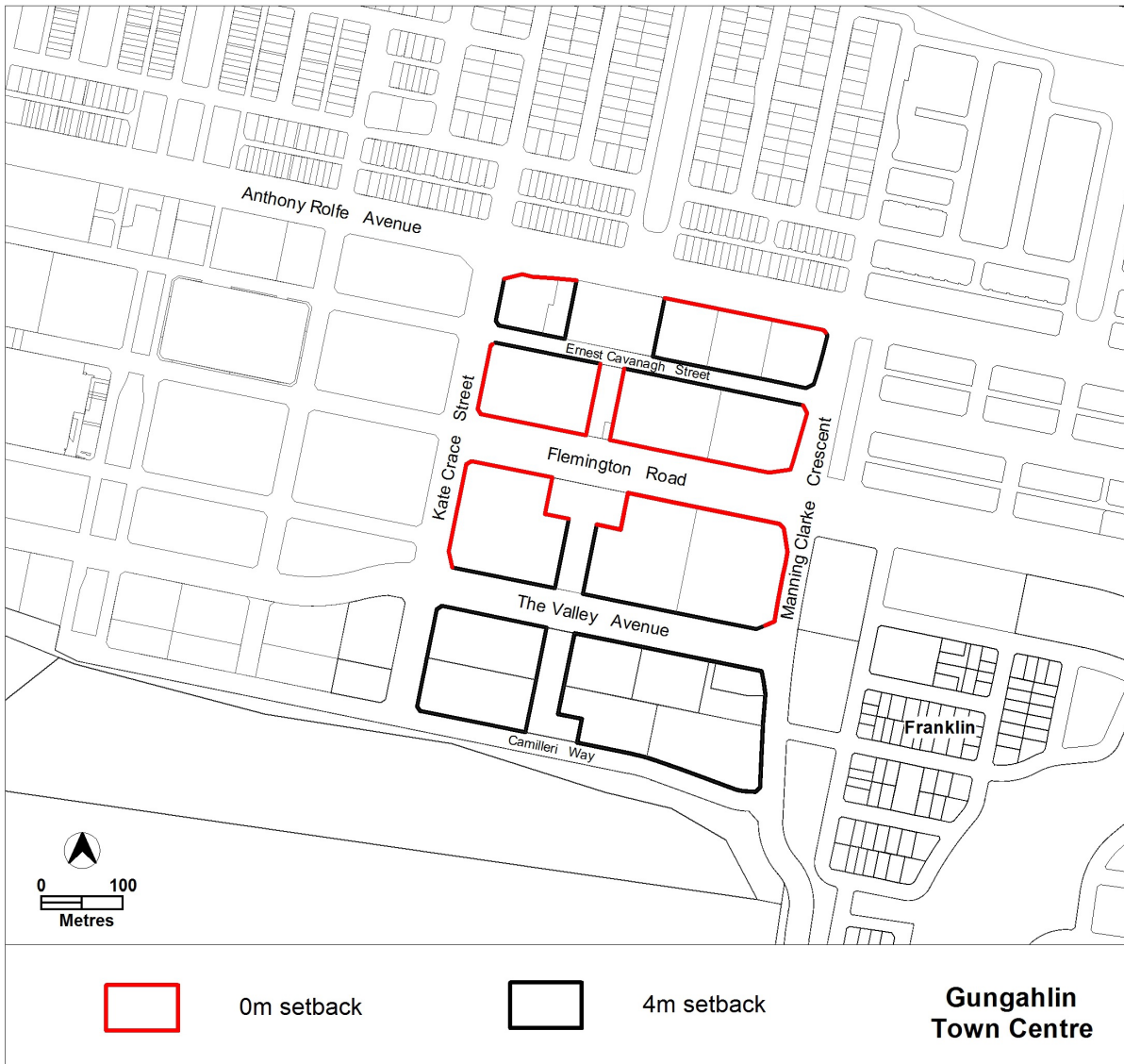


Figure 15 Setbacks in Precinct 2a

Element 17: Built form

Rules	Criteria
17.1 Location of public entrances	
<p>There is no applicable rule.</p>	<p>C59</p> <p>To provide public entrances that are easily identifiable and convenient, the development achieves 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 relates to the overall bulk and scale of the building to emphasise the entrance to main lobby or foyer.

Rules	Criteria
<p>R60</p> <p>This rule applies to buildings fronting main pedestrian areas and routes and the linear park identified in Figure 11.</p> <p>New development provides articulated building entrance to the street and public space at grade with the adjoining verge level.</p>	<p>C60</p> <p>Building entrance to address main pedestrian routes adjoining public open space.</p>
17.2 Landscape	
<p>There is no applicable rule.</p>	<p>C61</p> <p>Provide a high quality landscape character and achieve all of the following:</p> <ul style="list-style-type: none"> a) a documented landscape design showing how landscape associated with the development addresses all of the items described in criterion C22 in this code b) use vegetation types and landscaping styles which complement the <i>streetscape</i> character and integrate with the north-south linear park, public spaces, reserves and public transport corridors.

Precinct 2b – Mixed Use North West

The following elements apply to precinct 2b shown in Figure 10.

Element 18: Use

Rules	Criteria
18.1 Street level uses	
<p>R62</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) <i>Business agency</i> b) <i>Drink establishment</i> c) <i>Health facility</i> d) <i>Public agency</i> e) <i>Restaurant</i> f) <i>SHOP</i> 	<p>C62</p> <p>Buildings abutting the street or main building entry incorporate uses that generate activity at the ground level in the public space.</p>

Element 19: Buildings

19.1 Building heights	
<p>R63</p> <p>This rule applies to areas shown in Figure 16.</p> <p>Maximum height of building is:</p> <ul style="list-style-type: none"> a) area 'a': 7 storeys and not more than 30 metres b) area 'b': 12 storeys and not more than 50 metres c) area 'c': 14 storeys and not more than 58 metres d) for all other sites the maximum number of storeys is indicated in Figure 16. <p>For this rule the building height excludes all of the following:</p> <ul style="list-style-type: none"> a) roof top plant b) lift overruns c) antennas d) photovoltaic panels e) air conditioning units f) chimneys, flues and vents <p>Excluded items are setback from the building facade of the floor immediately below a minimum distance of 3 metres.</p> <p>Note: Maximum height of building complies with C64.</p>	<p>C63</p> <p>The <i>height of building</i> may be increased by an additional two <i>storeys</i> for building element(s) on blocks shown in Figure 16, where development achieves all of the following:</p> <ul style="list-style-type: none"> a) there is a clear difference in height between elements within a block b) the development achieves a high quality design outcome. <p>Note: Maximum height of building complies with C64.</p>

Rules	Criteria
19.2 Overshadowing	
There is no applicable rule.	<p>C64</p> <p>The maximum <i>height of building</i> complies with all of the following:</p> <ul style="list-style-type: none"> a) minimise detrimental impacts on adjacent development, including overshadowing and excessive scale b) contribute to the desired planning outcomes.
19.3 Building form	
There is no applicable rule.	<p>C65</p> <p>Articulated building form and façade to reduce the bulk of the development and promote interesting streetscape.</p>

Element 20: Built form

20.1 Location of public entrances	
There is no applicable rule.	<p>C66</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 <i>site</i> levels.

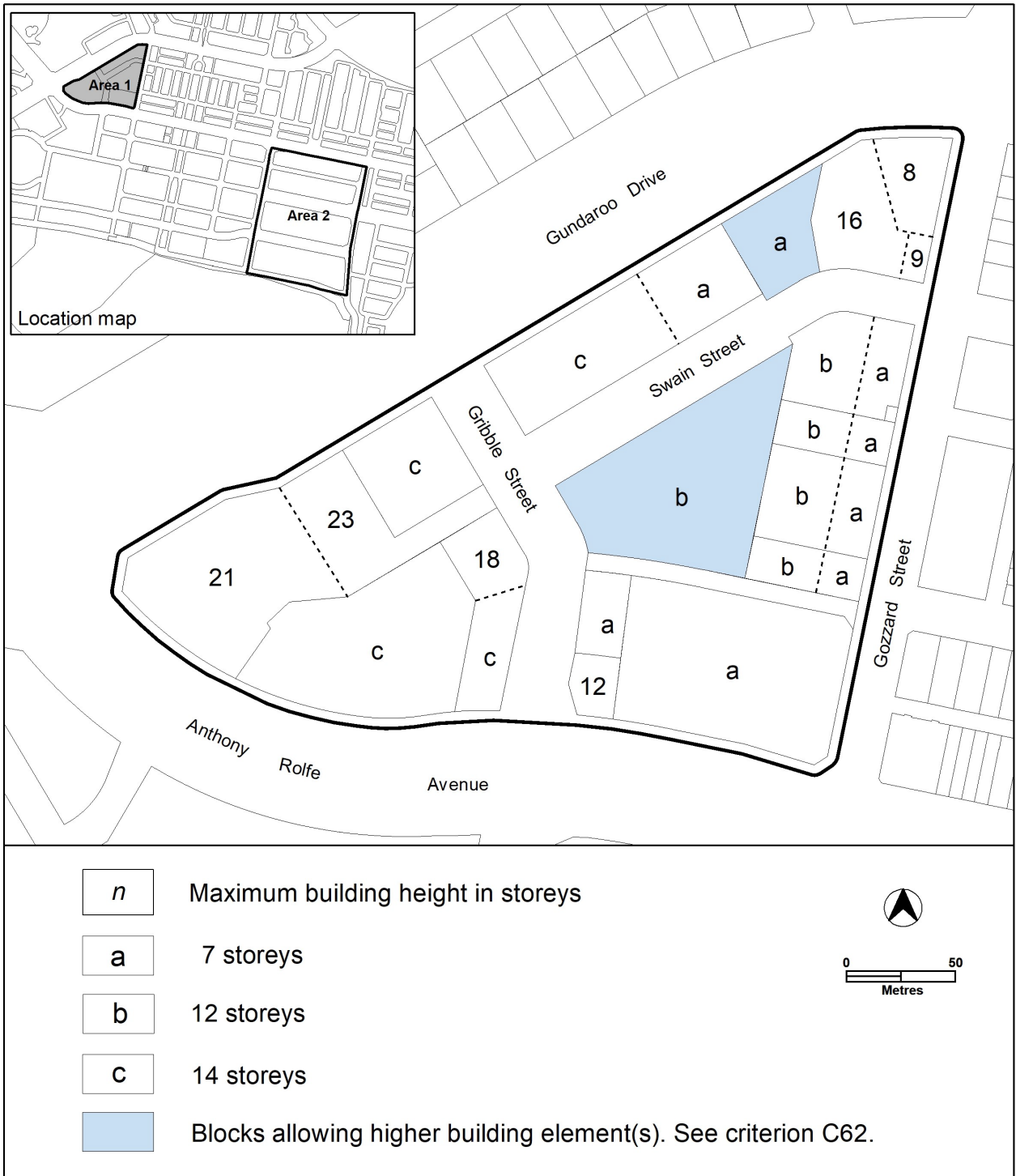


Figure 16 Building height in Precinct 2b

Precinct 3a – Services and Trades

The following elements apply to precinct 3a shown in Figure 10.

Element 21: Buildings

Rules	Criteria
21.1 Height and setbacks	
<p>R67</p> <p>Maximum <i>height of buildings</i> is 14 metres above the <i>datum ground level</i>.</p>	<p>C67</p> <p><i>Height of buildings</i> comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with existing character in the Service Trades Precinct b) is appropriate to the scale and function of the use c) minimise detrimental impact to adjacent open space and development, including overshadowing and excessive scale.
<p>R68</p> <p>Buildings maintain a continuous <i>building line</i> along Hibberson Street.</p>	<p>C68</p> <p>Building setbacks comply with all of the following:</p> <ul style="list-style-type: none"> a) frontages to Hibberson Street maintain a continuous <i>building line</i> b) setbacks in building alignment may be permitted where it provides small spaces for active uses and / or building entrances.

Element 22: Built form

22.1 Building design	
<p>There is no applicable rule.</p>	<p>C69</p> <p>To provide development that is identifiable and contributes to the existing <i>streetscape</i> character, the development is to provide all of the following:</p> <ul style="list-style-type: none"> a) entrances provide a strong visual connection to the street and ensure a high level of surveillance b) building frontages to streets provide interesting and attractive facades that positively contribute to the <i>streetscape</i>.

Precinct 3b – Major community and recreation facilities

The following elements apply to precinct 3b shown in Figure 10.

Element 23: Buildings

Rules	Criteria
23.1 Height and setbacks	
<p>R70</p> <p>Maximum <i>height of buildings</i> is 14m above the <i>datum ground level</i>.</p>	<p>C70</p> <p>Maximum <i>height of buildings</i> comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale.
<p>R71</p> <p>A minimum setback of 6 metres applies to Warwick Street and The Valley Avenue street frontages.</p>	<p>C71</p> <p>Setbacks comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale.

Element 24: Built form

Rules	Criteria
24.1 Building design	
<p>There is no applicable rule.</p>	<p>C72</p> <p>To provide development that is identifiable and contributes to the existing <i>streetscape</i> character, development achieves all of the following:</p> <ul style="list-style-type: none"> a) entrances have a strong visual connection to the street b) ensure a high level of surveillance c) building frontages to streets provide interesting and attractive facades that positively contribute to the <i>streetscape</i> d) building frontage onto The Valley Avenue is to provide articulation in the building facade.

Element 25: Amenity

Rules	Criteria
25.1 Open space	
There is no applicable rule.	<p>C73</p> <p>Provide a landscape buffer along the southern <i>block</i> boundary parallel to The Valley Avenue that achieves all of the following:</p> <ul style="list-style-type: none">a) variety in vegetation species and sizesb) vegetation types and landscaping styles that complement the <i>streetscape</i> character, particularly street trees on The Valley Avenue, public spaces and reservesc) is appropriate to the bulk and scale of the development.

Precinct 4a – Southern transition

The following elements apply to precinct 4a shown in Figure 10.

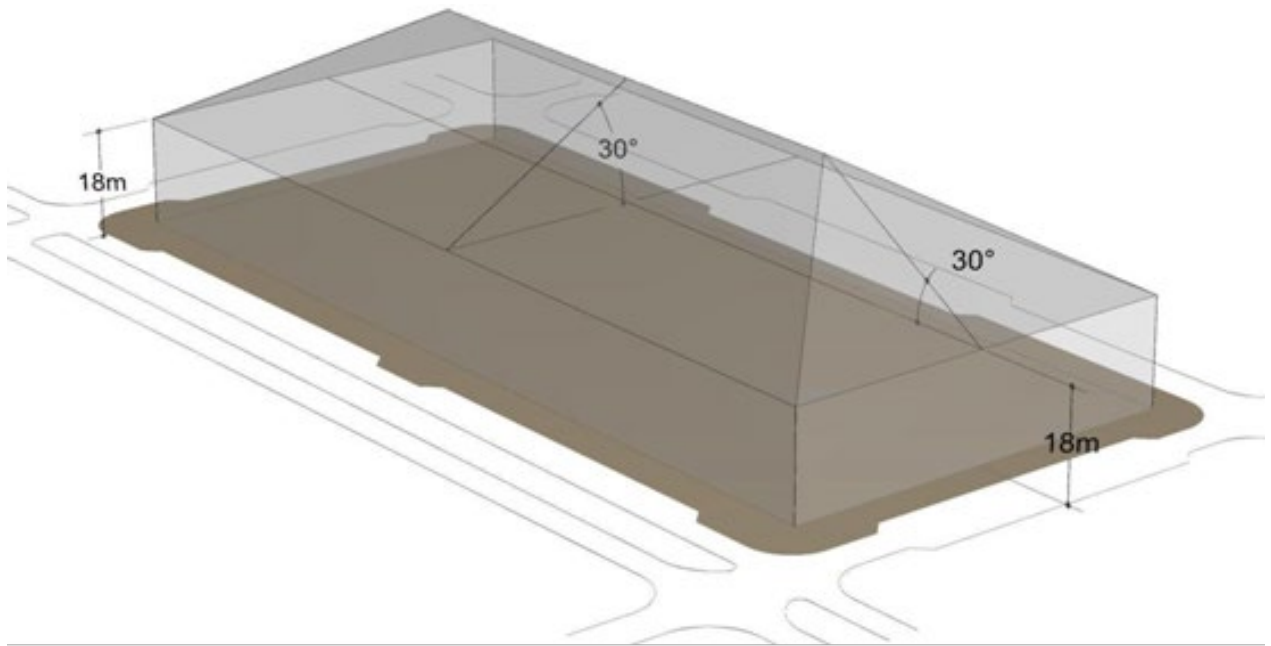
Element 26: Buildings

Rules	Criteria
26.1 Building envelope	
<p>R74</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>This is a mandatory requirement. There is no applicable criterion.</p>
26.2 Redevelopment of sections 21 and 22 Gungahlin	
<p>R75</p> <p>Redevelopment, other than for a single <i>dwelling</i>, requires the amalgamation of a minimum of six (6) adjoining <i>blocks</i>. The resulting <i>block</i> is required to have a minimum area of 3000 m² and approximately equal frontage to both The Valley Avenue and Delma View.</p> <p>Note: Where <i>block</i> amalgamation is approved, registered Lease and Development Conditions for individual <i>blocks</i> are no longer considered.</p>	<p>C75</p> <p>Amalgamation of less than six (6) <i>blocks</i> is permitted where less than six (6) adjoining <i>standard blocks</i> remain in a section and these adjoining <i>standard blocks</i> are all amalgamated. The resulting <i>block</i> is required to have approximately equal frontage to both The Valley Avenue and Delma View.</p>
<p>R76</p> <p>Redevelopment of more than two <i>blocks</i> for other than a single <i>dwelling</i> is not permitted where it adjoins an existing single <i>dwelling</i> that has an existing or approved redevelopment on the other side boundary, unless the single <i>dwelling site</i> is included in the amalgamation of <i>sites</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R77</p> <p>Subdivision, amalgamation and boundary realignments of <i>blocks</i> resulting in single <i>dwelling</i> development is not permitted.</p>	<p>C77</p> <p>Minor boundary realignments to the side boundaries of redevelopment <i>sites</i> shared with <i>standard blocks</i> is only permitted where the resulting development on the affected <i>blocks</i> is consistent with Rule R60 and Rule R61 of this Code.</p>
<p>R78</p> <p>Redevelopment shall not result in the reduction of the <i>dwelling</i> numbers on the subject <i>blocks</i> to below that the existing at the close of business on 30 November 2010.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>R79</p> <p>Development is built to a minimum 4m <i>front boundary</i> setback to all street frontages.</p>	<p>C79</p> <p>Minor encroachments into the front setback are permitted to allow for elements such as awnings, sun shading and roof overhang.</p>
<p>R80</p> <p>Articulation is provided to a minimum depth of 2m behind the front setback to all street frontages for all <i>storeys</i> in the development.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>26.3 Bushfire</p>	
<p>R81</p> <p>This rule applies to blocks or parcels in locations identified in Figure 18.</p> <p>Buildings are constructed in accordance with Australian Standard AS 3959 – Construction of buildings in bushfire-prone areas.</p> <p>Compliance with this rule is demonstrated by a report by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 27: Built form

27.1 Building design	
<p>There is no applicable rule.</p>	<p>C82</p> <p>Buildings are to contribute to the public realm that is safe and convenient by providing the following:</p> <ul style="list-style-type: none"> a) corner buildings are to provide focal points providing interest and variety b) building entrances are to be at grade with the adjoining verges or finished <i>site</i> levels to provide level building access c) entrances to commercial and residential uses are to provide a strong visual connection to the street d) entrances ensure a high level of surveillance.



Note: The following illustration shows a potential built form within the building envelope

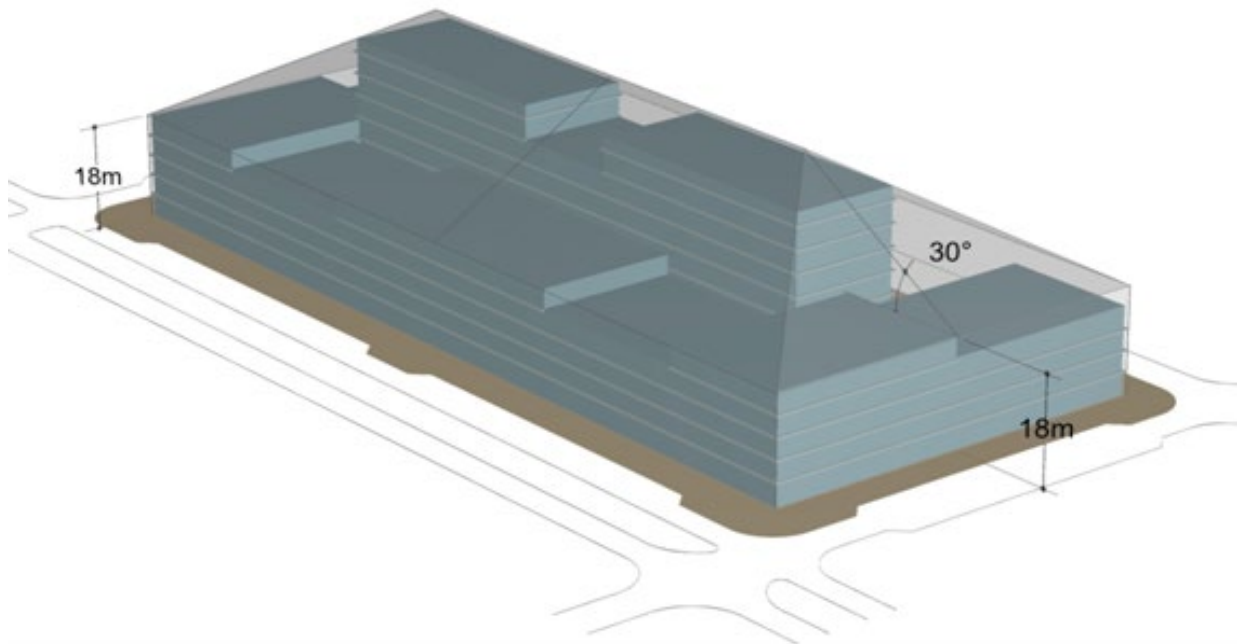


Figure 17 Building envelopes in Precinct 4a and Precinct 4b



Figure 18 Bushfire controls

Precinct 4b – Northern transition

The following elements apply to precinct 4b shown in Figure 10.

Element 28: Buildings

Rules	Criteria
28.1 Building envelope and setbacks	
<p>R83</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>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R84</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>C84</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.

Element 29: Built form

Rules	Criteria
29.1 Building design	
<p>There is no applicable rule.</p>	<p>C85</p> <p>Buildings are to contribute to the public realm that is safe and convenient by providing all of the following:</p> <ul style="list-style-type: none"> a) corner buildings are to provide focal points giving interest and variety b) building entrances are to be at grade with the adjoining verges or finished <i>site</i> levels to provide level building access c) entrances to commercial and lobbies to residential use are to provide a strong visual connection to the street and ensure a high level of surveillance.

Rules	Criteria
<p>R86</p> <p>Where the building frontage incorporates commercial uses at ground floor, buildings must incorporate awnings that comply with the following:</p> <ul style="list-style-type: none"> a) cantilevered awnings for the full extent of the building frontage along main pedestrian areas and routes identified in Figure 11 b) awnings are to be a minimum of 3m in cantilever width c) awnings are to be a minimum height of 3m above finished pavement or ground level of the verge d) awnings are to be integrated into the building design at the first floor level. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

RC2 – Mixed use commercial development area

This part applies to blocks and parcels identified in area RC2 shown on the Gungahlin Precinct Map.

Element 30: Use

Rules	Criteria
30.1 Ground floor use	
<p>R87</p> <p>One or more of the following uses are not permitted above the ground floor:</p> <ul style="list-style-type: none"> a) <i>COMMUNITY USE</i> b) <i>craft workshop</i> c) <i>indoor entertainment facility</i> d) <i>indoor recreation facility</i> e) <i>NON RETAIL COMMERCIAL USE</i> f) <i>restaurant</i> g) <i>SHOP.</i> 	<p>C87</p> <p>Noise generating uses are located to minimise impacts on residential or commercial accommodation.</p>
30.2 Ground floor use – floor area limit	
<p>R88</p> <p>Where development includes one or more of the following:</p> <ul style="list-style-type: none"> a) <i>COMMUNITY USE</i> b) <i>craft workshop</i> c) <i>indoor entertainment facility</i> d) <i>indoor recreation facility</i> e) <i>NON RETAIL COMMERCIAL USE</i> f) <i>Restaurant</i> g) <i>SHOP</i> <p>the maximum <i>gross floor area</i> per establishment or tenancy is 200m².</p>	<p>C88</p> <p>The scale of leisure, recreation, community and commercial activities included with multi unit housing development achieves all of the following:</p> <ul style="list-style-type: none"> a) ancillary to <i>RESIDENTIAL USE</i> b) services the local residents only

Element 31: Buildings

Rules	Criteria
31.1 Number of storeys	
<p>R89</p> <p>The maximum number of <i>storeys</i> is 3.</p>	<p>C89</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> 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> <p>The maximum number of <i>storeys</i> is 4.</p>

Other ongoing provisions

This part applies to blocks and parcels identified as ongoing provisions (OPn) in the Gungahlin Precinct Map. It should be read in conjunction with the relevant zone development code and related codes.

OP1 – Gungahlin residential area

This part applies to blocks and parcels identified in area OP1 shown on the Gungahlin Precinct Map.

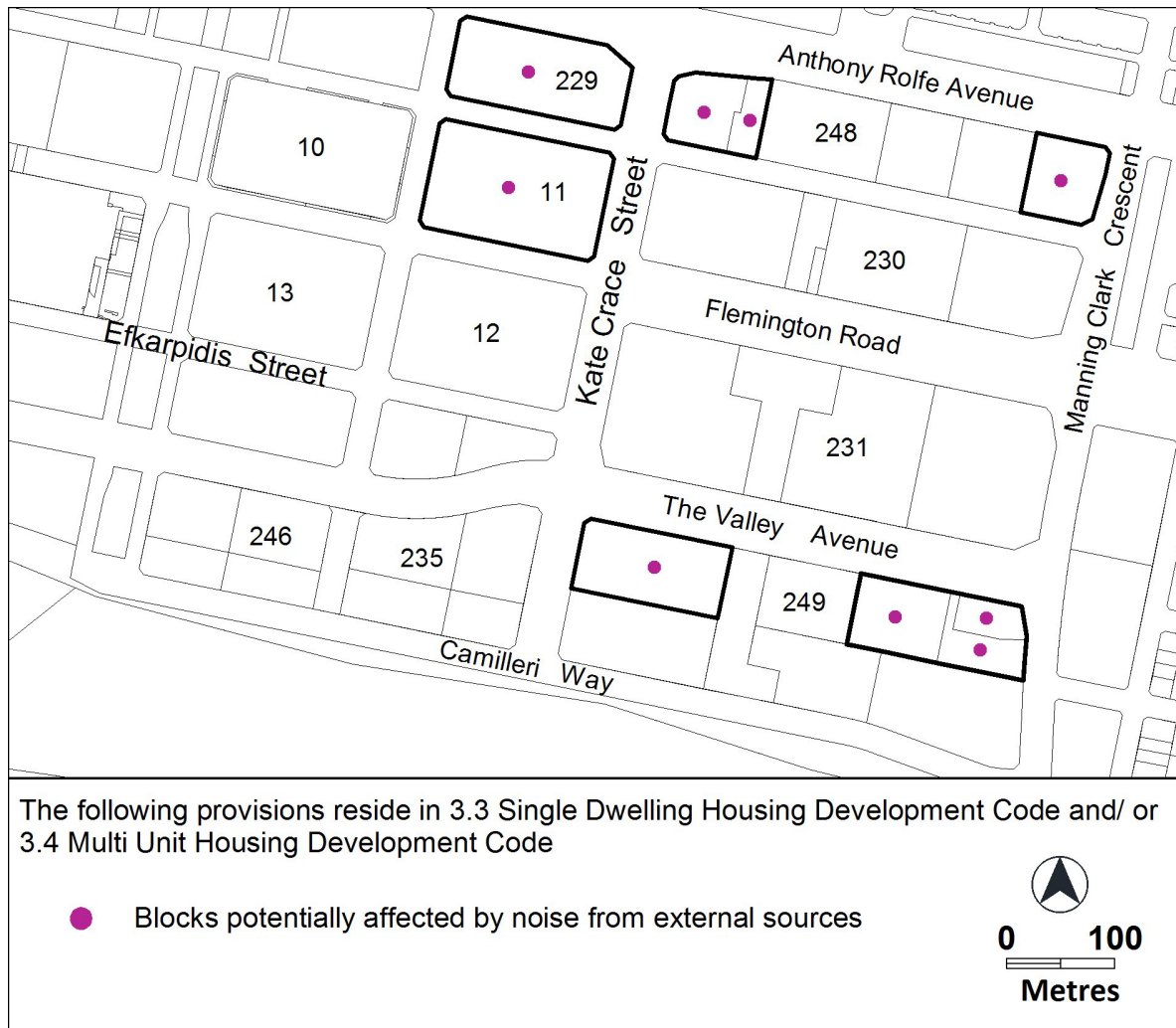


Figure 19 Gungahlin residential area ongoing provisions

Planning and Development (Draft Variation 364) Direction 2022

Notifiable instrument NI2022-

made under the

Planning and Development Act 2007, s 76 (Minister's powers in relation to draft plan variations)

1 Name of instrument

This instrument is the *Planning and Development (Draft Variation 364) Direction 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Direction

Under section 76 (2) (b) (iv) of the *Planning and Development Act 2007* (the *Act*), I direct the planning and land authority to revise DV364 to:

- (a) remove criterion C43 and proposed rule R44;
- (b) amend height of building provisions for specific sites in Precinct 2b to allow for up to two additional storeys, where the additional height does not have an adverse impact on adjacent development;
- (c) adjust building heights in metres in Precinct 2b to allow for commercial development; and
- (d) adjust active frontage placements to better align with areas identified as pedestrian throughfares.

4 Dictionary

In this instrument:

DV364 means the recommended version of the *Draft Variation to the Territory Plan 364 – Gungahlin Town Centre Amendments to the Gungahlin Precinct Map and Code*, February 2021, submitted to the Minister under section 69 of the Act and available online at:

www.act.gov.au/recommendedvariations.



Mick Gentleman MLA

Minister for Planning and Land Management

6/4/2022

2022

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Government Response to Standing Committee on Planning, Transport and City Services -
Report 5 - Draft Variation to the Territory Plan No 364 Gungahlin Town Centre: Amendments
to the Gungahlin Precinct Map and Code**

**Presented by
Mr Mick Gentleman MLA
Minister for Planning and Land Management
February 2022**

Introduction

The ACT Government thanks the Standing Committee on Planning, Transport and City Services of the Tenth Assembly for the recommendations put forward in Report No. 5 regarding Draft Variation 364 Gungahlin Town Centre: Amendments to the Gungahlin Precinct Map and Code (DV364).

DV364 was prepared by the ACT Government to implement the recommendations of the Gungahlin Town Centre Planning Refresh – Snapshot 2018, which was an initiative to review planning controls for the Town Centre.

The ACT Government's vision for the Gungahlin Town Centre is for a centre where people can live, work, study, and engage in recreational activities. The ACT Government, through planning controls, is facilitating a centre with commercial, community, and Government employment, with green spaces and active streets, and where there is economic activity during the daytime as well as in the night-time economy. This vision will be realised through planning settings, land release, and private sector investment. The ACT Government is the largest employer in the Gungahlin Town Centre and will continue to invest in the town centre through employment and through the provision of community facilities.

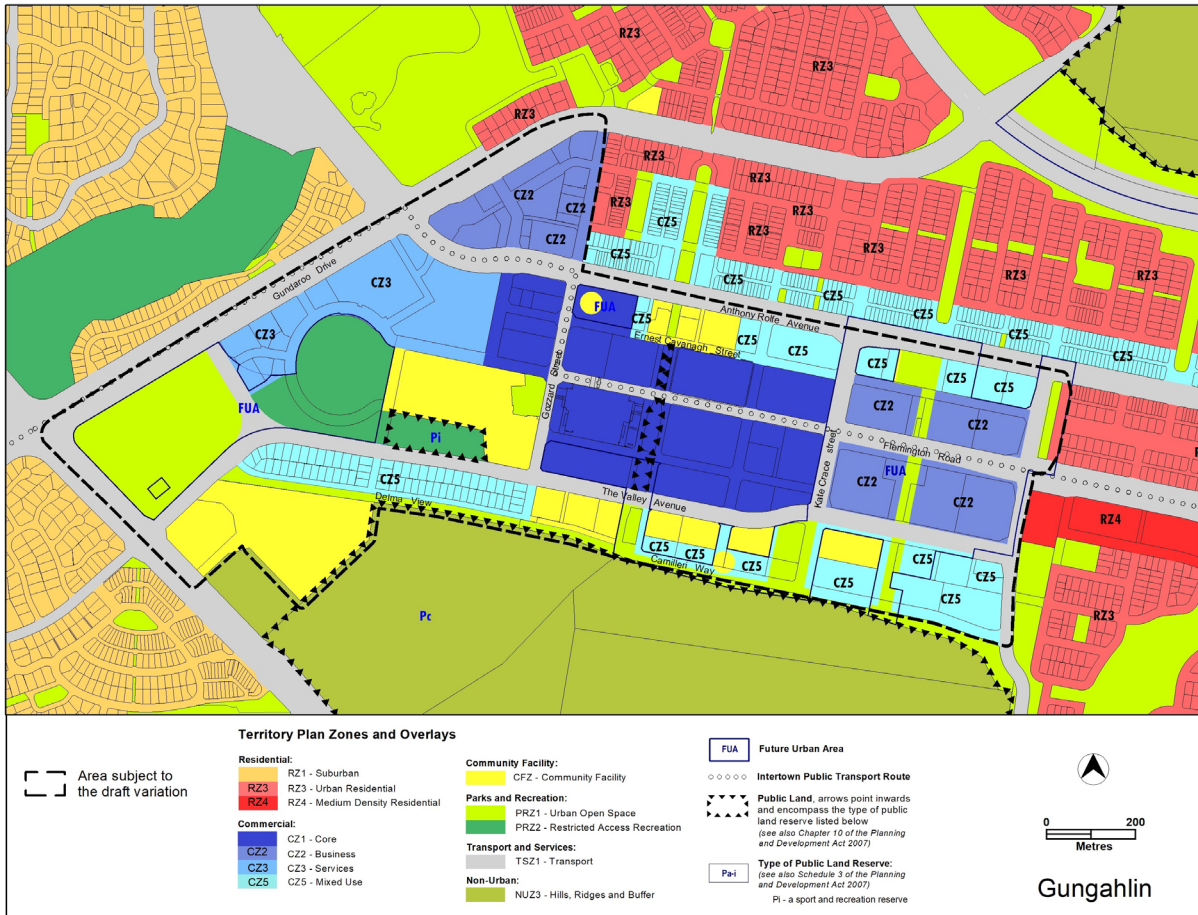
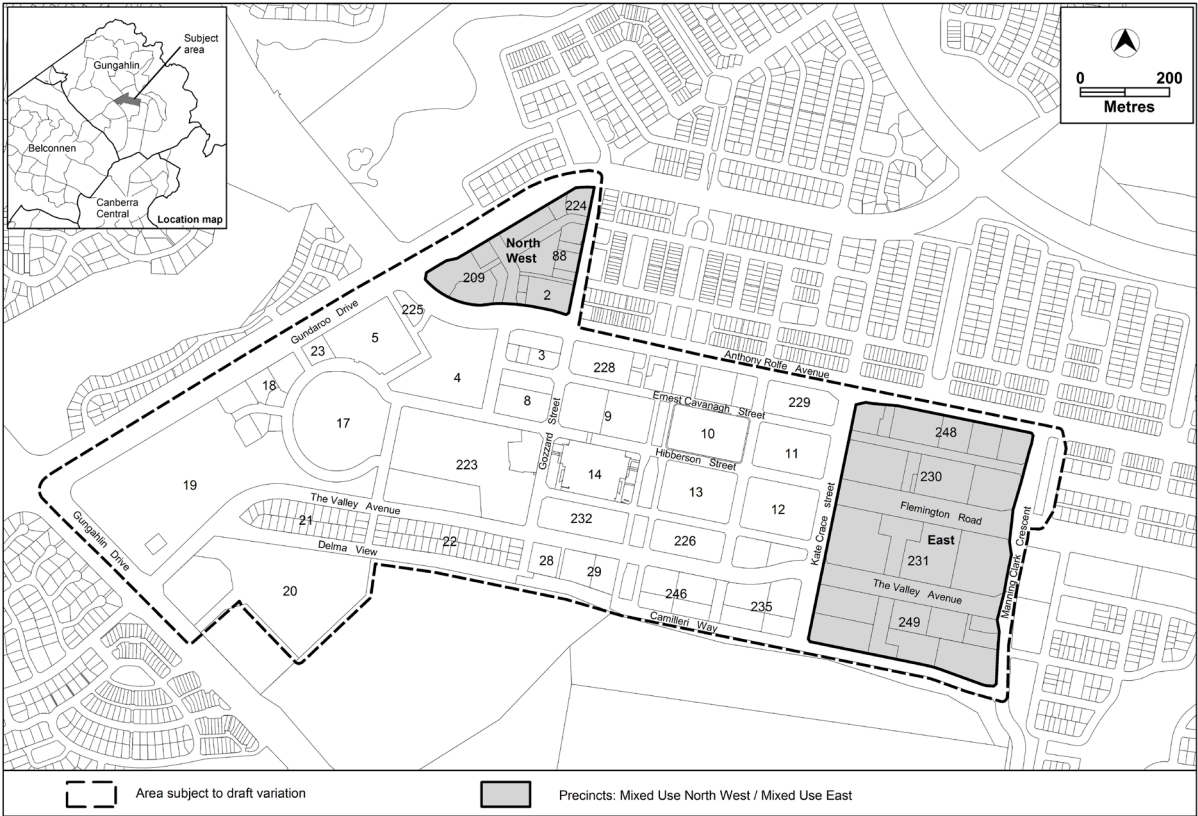
DV364 facilitates these aims by providing guidance on the desired built form and character of the centre and promote high quality design outcomes as the centre continues to develop. DV364 complements activities undertaken by the ACT Government to release land in precincts that encourage vibrant mixed-use communities.

In summary, DV364 proposes to amend the Gungahlin Precinct Map and Code by:

- permitting residential use in the Gungahlin East precinct;
- replacing some building envelope controls with maximum building heights in storeys;
- retaining land to accommodate approximately 65,000m² of commercial office space;
- introducing maximum building heights in the Gungahlin East and North West precincts;
- introducing minimum building heights in the Gungahlin East precinct;
- providing flexibility in the location of community facilities;
- changing the names and boundaries of sub-precincts within the town centre;
- relocating nominated public car park from block 2 section 229 to block 2 section 11 (between Ernest Cavanagh Street and Hibberson Street); and
- improving requirements for the public domain.

Figure 1 indicates the location of the Gungahlin Town Centre. Most of the proposed changes to the Gungahlin Town Centre precinct map and code are for the Mixed Use North West and Mixed Use East precincts.

Figure 2 indicates the Territory Plan zones for the area subject to DV364. No zoning changes are proposed in DV364.



Recommendations

No.	Recommendations
Recommendation 1	<p>To inform the Territory Plan planning regulations a thorough investigation be completed by the ACT Government that:</p> <ul style="list-style-type: none">▪ identifies retail, community and commercial activity that can prosper in the town centre including activities that can anchor further growth;▪ identifies options for the ACT Government to support potential commercial activity through appropriate land provision and complementary policy settings; and▪ the findings of the investigation be used to inform the sale and development requirements of future land releases in the town centre.
Recommendation 2	<p>The Committee recommends the ACT Government remove criterion 43 and the new R44 from DV364 in order to reserve priority commercial space.</p>
Recommendation 3	<p>In order to realise the objectives of the planning provisions, the ACT Government amend the indicative land release program so that the unsold blocks in Gungahlin East precinct:</p> <ul style="list-style-type: none">▪ be sold as a precinct rather than as individual blocks;▪ have contractual and lease requirements applied to the sale to deliver a precinct that includes retail, business, and community facility developments;▪ apply a maximum number of residential dwellings allowable so that residential dwellings are not the primary or majority use;▪ apply a minimum square metre requirement for commercial development; and▪ be designed in consultation with the community.
Recommendation 4	<p>If the remaining blocks in the Gungahlin East Precinct are sold as individual blocks, the Committee recommends the ACT Government maintain a commercial zoning for these blocks and apply a maximum number of residential dwellings and a minimum square metre requirement for commercial development permitted for each block to ensure that residential dwellings are not the primary or majority use.</p>
Recommendation 5	<p>The ACT Government apply the provision for an additional two storeys of building height to all blocks with height limit provisions in the town centre.</p>

Recommendation 6 The Committee recommends active travel and vehicle and parking arrangements are reconsidered following the completion of the traffic and transport assessments being undertaken by Transport Canberra and City Services.

Recommendation 7 The Committee recommends active frontage placements are reconsidered with priority to having active frontages in areas identified as pedestrian throughfares.

Recommendation 8 Variation be extended to incorporate Yerrabi Pond recreational and commercial area and the key connections of Gungahlin Place north of Anthony Rolfe Ave and Nellie Hamilton Ave as well as Cantamessa Avenue.

ACT Government Response to the Standing Committee on Planning, Transport and City Services Report 5 – Draft Variation to the Territory Plan 364 Gungahlin Town Centre: Amendments to the Gungahlin Precinct Map and Code

Recommendation 1

To inform the Territory Plan planning regulations a thorough investigation be completed by the ACT Government that:

- identifies retail, community and commercial activity that can prosper in the town centre including activities that can anchor further growth;
- identifies options for the ACT Government to support potential commercial activity through appropriate land provision and complementary policy settings; and
- the findings of the investigation be used to inform the sale and development requirements of future land releases in the town centre.

Response

AGREED IN PRINCIPLE

An assessment of commercial market potential, which takes into consideration economic and market factors, will be undertaken to help identify potential additional commercial uses within the town centre.

DV364 allows opportunities for a wide range of economic activity, which can be complemented through detailed provisions in the land sales process. The ACT Government is committed to undertaking consultation and planning to develop a precinct planning approach to future land sales in the town centre.

The assessment will be an important consideration for the future precinct planning approach for blocks along Flemington Road, located in the east of the town centre, to achieve an appropriate best-practice mix and integration of uses. Precinct planning will include consideration of public realm requirements to promote vibrant street-level activity and built form interface with the linear park.

The ACT Government recognises the community sector provides vital community services as well as an employment base. Community facilities are a key consideration in the ongoing development of the town centre. A community and recreational facilities needs assessment for the district of Gungahlin is underway to help identify current and future demand and gaps for community facilities and will inform the government strategy about planning for facilities into the future in the district including in the town centre. A listening report of community engagement was released on 18 October 2021. The final needs assessment is anticipated to be publicly released in early 2022.

A new community centre within the town centre is a commitment in the Parliamentary and Governing Agreement for the 10th Legislative Assembly. The ACT Government has already

commenced work towards the new community centre with a budget allocation of \$300,000 provided in the 2021/22 financial year for a feasibility study and to develop the business case for future funding consideration.

The precinct planning approach for Flemington Road will also take into consideration this Government's response and position on the recommendations of the community needs assessment and on the new community centre, as relevant.

DV364 will be finalised in the first instance and the future work outlined above will be undertaken to inform future land releases, and sale and development requirements.

Recommendation 2

The Committee recommends the ACT Government remove criterion 43 and the new R44 from DV364 in order to reserve priority commercial space.

Response

AGREE

The Government agrees to remove criterion 43 and rule 44 from DV364 to reserve commercial space.

Recommendation 3

In order to realise the objectives of the planning provisions, the ACT Government amend the indicative land release program so that the unsold blocks in Gungahlin East precinct:

- **be sold as a precinct rather than as individual blocks;**
- **have contractual and lease requirements applied to the sale to deliver a precinct that includes retail, business, and community facility developments;**
- **apply a maximum number of residential dwellings allowable so that residential dwellings are not the primary or majority use;**
- **apply a minimum square metre requirement for commercial development; and**
- **be designed in consultation with the community.**

Response

AGREED IN PRINCIPLE

The ACT Government agrees to a precinct planning approach to the unsold blocks in the Gungahlin East area. This will involve community engagement and will set the planning framework for land release, development and uses along Flemington Road. Land releases will be consistent with the ACT Government's Indicative Land Release Program, with the method of release and sales contractual arrangements to be determined by the SLA, in the context of the precinct planning outcome.

Subject to the outcomes of the commercial market potential assessment and precinct planning, land releases along Flemington Road may have residential components with commercial uses being a significant component.

The ACT Government will consider the appropriate commercial and/or community floor space for future years' land releases in consideration of the commercial employment assessment mentioned under recommendation 1.

Recommendation 4

If the remaining blocks in the Gungahlin East Precinct are sold as individual blocks, the Committee recommends the ACT Government maintain a commercial zoning for these blocks and apply a maximum number of residential dwellings and a minimum square metre requirement for commercial development permitted for each block to ensure that residential dwellings are not the primary or majority use.

Response

AGREED IN PRINCIPLE

The ACT Government agrees to a precinct planning approach to Gungahlin East. A precinct may be delivered as an 'englobo' land release to one developer, but it is also possible for multiple developers to deliver a precinct. Where blocks are sold individually, the ACT Government can use provisions in deeds or similar requiring the developer to deliver a part of an overall precinct, with design and other controls ensuring a coordinated precinct.

The assessment of commercial market potential and the precinct planning approach discussed under Recommendation 1 above, will set the planning framework for the undeveloped land along Flemington Road. The current commercial zoning will be retained. Land releases will be consistent with the ACT Government's Indicative Land Release Program with the method of release and sales contractual arrangements to be determined by the SLA following community consultation.

Recommendation 5

The ACT Government apply the provision for an additional two storeys of building height to all blocks with height limit provisions in the town centre.

Response

AGREED IN PRINCIPLE

It is agreed that an additional two storeys can apply to specified sites in Precinct 2b, only if the additional height does not have an adverse impact on adjacent development. Building heights in metres will be adjusted, to allow for higher floor to ceiling heights for commercial developments.

It is noted that additional 2 storey building elements are already proposed to apply to Precinct 2a Mixed Use East in criterion C47 along Flemington Road, and therefore additional storeys will not be permitted in this precinct.

Recommendation 6

The Committee recommends active travel and vehicle and parking arrangements are reconsidered following the completion of the traffic and transport assessments being undertaken by Transport Canberra and City Services.

Response

AGREE

Any required changes to the Territory Plan considered necessary as a result of the new traffic and transport model being developed by TCCS, can be incorporated into the Territory Plan at a later date.

In the 2021/22 ACT Budget, under the initiative of boosting investment in active travel, \$200,000 has been allocated to Transport Canberra and City Services for a Route Planning Study for the Gungahlin Town Centre. This study is intended to encourage a greater modal shift to active travel and includes feasibility of cycle connectivity improvements, and commencement of priority designs for the proposed active travel network connections, as identified through the Gungahlin Town Centre Planning Refresh 2018.

Recommendation 7

The Committee recommends active frontage placements are reconsidered with priority to having active frontages in areas identified as pedestrian throughfares.

Response

AGREE

Active frontage placements will be reviewed in the final version of DV364 in consideration of areas identified as pedestrian throughfares.

Recommendation 8

The Committee recommends the study area for the Gungahlin Town Centre Draft Variation be extended to incorporate Yerrabi Pond recreational and commercial area and the key connections of Gungahlin Place north of Anthony Rolfe Ave and Nellie Hamilton Ave as well as Cantamessa Avenue.

Response

AGREED IN PRINCIPLE

The important linkages from the Gungahlin Town Centre to the Yerrabi Pond recreational area and the key connections of Gungahlin Place north of Anthony Role Avenue and Nellie Hamilton Avenue and Cantamessa Avenue are acknowledged in the Gungahlin Town Centre Snapshot 2018. DV364 does not directly incorporate these surrounding areas into its study area.

These linkages are being considered in the Route Planning Study for the Gungahlin Town Centre, as indicated under Recommendation 6 above.

The area subject to the Draft Variation was based on the 2018 Gungahlin Town Centre refresh, which focused on the town centre component of the suburb of Gungahlin. Notwithstanding, the intent of the Standing Committee's recommendation is being considered through the route planning study mentioned above.

DRAFT VARIATION TO THE TERRITORY PLAN NO 364
GUNG AHLIN TOWN CENTRE: AMENDMENTS TO THE
GUNG AHLIN PRECINCT MAP AND CODE

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

SEPTEMBER 2021

REPORT 5

THE COMMITTEE

COMMITTEE MEMBERSHIP

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Ms Suzanne Orr MLA (Deputy Chair)

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SECRETARIAT

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RESOLUTION OF APPOINTMENT

On 2 December 2020 the Legislative Assembly resolved to establish the Standing Committee on Planning, Transport, and City Services.¹

Under the Resolution the Committee is responsible for examining the following areas:

- City Renewal Authority;
- Suburban Land Agency;
- Planning and Land Management;
- Transport;
- City Services including waste and recycling;
- Housing (excluding service provision); and
- Building and Construction.²

TERMS OF REFERENCE

The Committee's Terms of Reference are to 'prepare a report on the on the draft plan variation' as provided for under Section 73 of the *Planning and Development Act 2007*.

¹ Legislative Assembly for the ACT, *Minutes of Proceedings*, 2 December 2020, pp.17, 20, available at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0007/1669030/MoP002F.pdf

² Legislative Assembly for the ACT, *Minutes of Proceedings*, 2 December 2020, pp.17, 20, available at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0007/1669030/MoP002F.pdf

ACRONYMS

DV	Draft Variation
EPSDD	Environment, Planning and Sustainable Development Directorate
GCC	Gungahlin Community Council
NCA	National Capital Authority
NCDC	National Capital Development Commission
PCA	The Property Council of Australia
SLA	Suburban Land Agency

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RECOMMENDATIONS

RECOMMENDATION 1

5.14 To inform the Territory Plan planning regulations a thorough investigation be completed by the ACT Government that:

- identifies retail, community and commercial activity that can prosper in the town centre including activities that can anchor further growth;
- identifies options for the ACT Government to support potential commercial activity through appropriate land provision and complementary policy settings; and
- the findings of the investigation be used to inform the sale and development requirements of future land releases in the town centre.

RECOMMENDATION 2

5.15 The Committee recommends the ACT Government remove criterion 43 and the new R44 from DV364 in order to reserve priority commercial space.

RECOMMENDATION 3

5.27 In order to realise the objectives of the planning provisions, the ACT Government amend the indicative land release program so that the unsold blocks in Gungahlin East precinct:

- be sold as a precinct rather than as individual blocks;
- have contractual and lease requirements applied to the sale to deliver a precinct that includes retail, business, and community facility developments;
- apply a maximum number of residential dwellings allowable so that residential dwellings are not the primary or majority use;
- apply a minimum square metre requirement for commercial development; and
- be designed in consultation with the community.

RECOMMENDATION 4

5.28 If the remaining blocks in the Gungahlin East Precinct are sold as individual blocks, the Committee recommends the ACT Government maintain a commercial zoning for these blocks and apply a maximum number of residential dwellings and a minimum square metre requirement for commercial development permitted for each block to ensure that residential dwellings are not the primary or majority use.

RECOMMENDATION 5

5.34 The ACT Government apply the provision for an additional two storeys of building height to all blocks with height limit provisions in the town centre.

RECOMMENDATION 6

- 5.41 The Committee recommends active travel and vehicle and parking arrangements are reconsidered following the completion of the traffic and transport assessments being undertaken by Transport Canberra and City Services.

RECOMMENDATION 7

- 5.50 The Committee recommends active frontage placements are reconsidered with priority to having active frontages in areas identified as pedestrian throughfares.

RECOMMENDATION 8

- 5.55 The Committee recommends the study area for the Gungahlin Town Centre Draft Variation be extended to incorporate Yerrabi Pond recreational and commercial area and the key connections of Gungahlin Place north of Anthony Rolfe Ave and Nellie Hamilton Ave as well as Camtamessa Avenue.

1 INTRODUCTION

CONDUCT OF THE INQUIRY

- 1.1 On 31 March 2021, pursuant to section 73 of the *Planning and Development Act 2007* (the Act), the Acting Minister for Planning and Land Management, Mr Chris Steel MLA, referred Draft Variation to the Territory Plan (DV) No 364 – Gungahlin Town Centre, to the Standing Committee on Planning, Transport and City Services (the Committee) for consideration and report to the Legislative Assembly (the Assembly). On 8 April 2021 the Committee agreed to inquire further into the Draft Variation.
- 1.2 On 13 May 2021 the Committee published a media release inviting public submissions by 30 June 2021. The time for submissions was extended by the committee on 1 July 2021 to close of business 10 July 2021. The inquiry was also publicised through social media, and direct emails to stakeholders. The Committee received 14 submissions and a list of these is provided at Appendix B.
- 1.3 The Committee held one public hearing on 29 July 2021 and heard from 11 witnesses. A list of witnesses who appeared before the Committee is provided at Appendix A. The transcript of proceedings is accessible at: <https://www.hansard.act.gov.au/hansard/2021/comms/>

ACKNOWLEDGEMENTS

- 1.4 The Committee would like to thank the Minister for Planning and Land Management and officials from the Environment, Planning and Sustainable Development Directorate (the Directorate) for their time appearing before the Committee and responding to its questions.
- 1.5 The Committee would like to extend its thanks to those who took the time to make written submissions, and witnesses who appeared before the Committee.

2 PLANNING IN THE AUSTRALIAN CAPITAL TERRITORY

- 2.1 This chapter outlines the planning framework in the Australian Capital Territory (ACT) and briefly outlines the evolution of the Territory Plan from its inception, through a series of reviews and restructures.
- 2.2 The *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth) sets out the overarching legal framework for the planning of, and management of the land in, the ACT.³ It establishes the National Capital Authority, one of the functions of which is to prepare and administer a National Capital Plan.⁴ The objective of the National Capital Plan is to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.⁵
- 2.3 The *Australian Capital Territory (Planning and Land Management) Act 1988* also provided for the ACT Legislative Assembly to make laws to establish a Territory planning authority, and to confer on that authority the function of preparing and administering a Territory Plan.⁶ These requirements were incorporated into the *Interim Planning Act 1990* (ACT)⁷ and subsequently, with expanded environmental assessment and heritage provisions, into the *Land (Planning and Environment) Act 1991* (ACT).⁸
- 2.4 In 2008, as part of the reform of the ACT planning system, the *Land (Planning and Environment) Act 1991* was replaced by the *Planning and Development Act 2007* (the Act),⁹ which establishes the Planning and Land Authority,¹⁰ and requires it to prepare and manage the Territory Plan.¹¹
- 2.5 The Territory Plan commenced operation on 31 March 2008 and provides the policy framework for the administration of planning in the ACT:

³ Accessible at <https://www.legislation.gov.au/Details/C2016C00482>.

⁴ *Australian Capital Territory (Planning and Land Management) Act 1988*, sections 5 and 6.

⁵ *Australian Capital Territory (Planning and Land Management) Act 1988*, section 9.

⁶ *Australian Capital Territory (Planning and Land Management) Act 1988*, section 25.

⁷ Accessible at <http://www.legislation.act.gov.au/a/1990-59/default.asp>.

⁸ Accessible at <http://www.legislation.act.gov.au/a/1991-100/default.asp>.

⁹ Accessible at <http://www.legislation.act.gov.au/a/2007-24/current/pdf/2007-24.pdf>.

¹⁰ *Planning and Development Act 2007*, section 10.

¹¹ *Planning and Development Act 2007*, section 46.

The object of the territory plan is to ensure, in a manner not inconsistent with the national capital plan, the planning and development of the ACT to provide the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation.¹²

2.6 Under section 50 of the Act, the:

“Territory, the Executive, a Minister or a territory authority must not do any act, or approve the doing of an act, that is inconsistent with the territory plan”.¹³

2.7 The Act requires the Territory Plan to set out the planning principles and policies to achieve its objective in a way that gives effect to sustainability principles, including policies that contribute to achieving a healthy environment in the ACT.¹⁴

2.8 The Territory Plan includes:

- a statement of strategic directions;
- a map;
- objectives and development tables applying to each zone;
- a series of general, development and precinct codes; and
- structure plans and concept plans for the development of future urban areas.

2.9 The Territory Plan graphically represents the applicable land use zones under the following categories:

- Residential;
- Commercial;
- Industrial;
- Community Facility;
- Parks and Recreation;
- Transport and Services; and
- Non-Urban.¹⁵

¹² *Planning and Development Act 2007*, section 48.

¹³ *Planning and Development Act 2007*, section 50.

¹⁴ *Planning and Development Act 2007*, section 49.

¹⁵ Territory Plan, Accessible at <https://www.legislation.act.gov.au/ni/2008-27/Current>.

- 2.10 Recognising that land use policies may change over time, the Act provides for variations to the Territory Plan. These are prepared by the Planning and Land Authority, currently under the auspices of the Environment, Planning and Sustainable Development Directorate (the Directorate), for stakeholder consultation and comment.¹⁶
- 2.11 Under the Act, the Minister must refer draft plan variation documents, within 5 working days of the notification of the public availability notice,¹⁷ to an appropriate committee of the ACT Legislative Assembly (the Assembly) for consideration and report.¹⁸
- 2.12 The Minister must not take action in relation to the draft plan variation until:
- the committee of the Assembly has reported on it;¹⁹
 - has decided not to report on it;²⁰
 - has not informed the minister within 20 working days of the referral as to whether it will prepare a report;²¹ or
 - the committee of the Assembly has not reported on the draft plan variation by the end of the period of six months starting the day after the day on which it was referred to the committee.²²
- 2.13 The Minister must take any recommendation of the committee into account before making his decision in relation to the draft plan variation.²³ If the Minister approves it, the proposed plan variation and associated documents will be presented to the Assembly.²⁴ The plan variation will commence on the date nominated by the Minister unless wholly or partially rejected through a motion in the Assembly.²⁵

¹⁶ *Planning and Development Act 2007*, Part 5.3.

¹⁷ Under section 70 of the *Planning and Development Act 2007*, the planning and land authority must prepare a public availability notice advising that Draft Variation documents, which have been provided to the minister, are available for public inspection. This notice, which is a notifiable instrument, may be accessed via the ACT Legislation Register website at <http://www.legislation.act.gov.au/>.

¹⁸ *Planning and Development Act 2007*, section 73; The Standing Committee on Planning, Transport and City Services is currently the appropriate committee.

¹⁹ *Planning and Development Act 2007*, section 74.

²⁰ *Planning and Development Act 2007*, section 73A.

²¹ *Planning and Development Act 2007*, section 73.

²² *Planning and Development Act 2007*, section 75.

²³ *Planning and Development Act 2007*, subsection 76(3).

²⁴ *Planning and Development Act 2007*, section 79.

²⁵ *Planning and Development Act 2007*, section 83.

3 GUNGAHLIN TOWN CENTRE PLANNING

- 3.1 The Gungahlin Town Centre is the fourth major hub to be developed in Canberra, joining Belconnen, Woden and Tuggeranong, to provide employment, shopping, social activities and public transport. The National Capital Development Commission planned for the future town centre in the 'Y Plan' developed in 1970.²⁶
- 3.2 In 1995 the location of the town centre was changed through Territory Plan variation No. 53 when the Mulanggari Grasslands area was declared prohibited for development due to its status as native grassland with high ecological value. At this time an 'urban village' design for the town centre was formally adopted.²⁷
- 3.3 In 1996, responsibility for the town centre was handed to the former Gungahlin Development Authority who developed a master plan for the town centre. Their master plan was never formally adopted, however some elements of this plan were implemented including the conversion of commercial and community facility development north of Anthony Rolfe Avenue to residential development. No alternative land for commercial and community uses was provided for elsewhere in the town centre.²⁸
- 3.4 This led to potential undersupply of commercial and community land in the town centre. As an interim measure to address this undersupply, the restructured Territory Plan introduced in March 2008 rezoned undeveloped land to the east of the town centre for commercial and community uses.²⁹
- 3.5 The Gungahlin Town Centre grew rapidly, so the government determined in 2008 that it would review progress so far and assess whether the planning framework was producing the desired outcomes for the town centre.³⁰
- 3.6 The key recommendations from the review of the town centre outlined in the Gungahlin Town Centre Planning Report (2010) and incorporated into Variation to the Territory Plan No. 300 (2011) were:³¹
- maintaining Gungahlin Town Centre's distinctive 'urban village' character;

²⁶ [Gungahlin Town Centre Planning Report](#) 2010, p. 7

²⁷ [Gungahlin Town Centre Planning Report](#) 2010, p. 7

²⁸ [Gungahlin Town Centre Planning Report](#) 2010, p. 7

²⁹ [Gungahlin Town Centre Planning Report](#) 2010, p. 7

³⁰ [Gungahlin Town Centre Planning Report](#) 2010, p. 4

³¹ [Gungahlin Town Centre Planning Refresh Snapshot](#), 2018, p. 2

- identifying two office precincts; an office park in the north-west, and office core in the east of the town centre with large sites and flexible planning provisions to attract government departments;
- prohibiting residential uses and serviced apartments in the office core;
- increasing building heights and introducing building envelopes to minimise overshadowing, bulk and scale in the office core precinct;
- increasing building heights and introducing building height criteria for the office park precinct; and
- reserving 200,000m² for commercial office floor space distributed in two separate precincts (Office park and Office core) to accommodate 10,000 office jobs and encourage more employment in Gungahlin.

3.7 The Gungahlin Town Centre has continued to grow and develop in recent years, attracting new residents, businesses and investment, and importantly has seen the introduction of light rail. With this growth set to continue it is timely to set a planning framework that appropriately responds to and directs this growth and change.

3.8 The Gungahlin Town Centre Planning Refresh project was undertaken to document recommendations for the future planning and development of the Gungahlin Town Centre with work focused on three key themes: building height and character, upgrading and enhancing public spaces and walking, cycling and road transport.³² A range of engagement activities were undertaken to gather input from local residents, businesses, those who use the town centre and the broader Canberra community. Engagement included the Your Say website, a Meet the Planners session, a stakeholder workshop, a 'Planning in the Pub' session, youth workshops, quick polls and email submissions. Community engagement for the project commenced on 1 March 2017 and concluded on 4 May 2017.³³

3.9 The Gungahlin Town Centre: Planning Refresh - Snapshot (November 2018) provides a summary of the key issues considered and makes recommendations for the future planning and development of the Gungahlin town centre.

3.10 The recommendations of the Gungahlin Town Centre: Planning Refresh - Snapshot (November 2018) are incorporated into *Draft Variation to the Territory Plan 364 – Gungahlin Town Centre: Amendments to the Gungahlin precinct map and code* (the Draft Variation) to provide guidance on the desired built form and character of the centre as it develops.³⁴

³² [Gungahlin Town Centre Planning Refresh Snapshot](#), 2018, p. 1

³³ [Gungahlin Town Centre Planning Refresh Snapshot](#), 2018, p. 7

³⁴ *Draft Variation to the Territory Plan 364 Gungahlin Town Centre: Amendments to the Gungahlin precinct map and code*, recommended version, February 2021, p. 2

4 THE DRAFT VARIATION

4.1 *Draft Variation to the Territory Plan 364 – Gungahlin Town Centre: Amendments to the Gungahlin precinct map and code* (the Draft Variation) incorporates the recommendations of the Gungahlin Town Centre Planning Refresh into the Territory Plan to provide guidance on the desired built form and character of the centre as it develops.³⁵ The Draft Variation proposes the following changes to the Gungahlin Town Centre:

- permitting residential use in the Gungahlin East Precinct;
- replacing some building envelope controls with maximum building heights in storeys;
- retaining land to accommodate approximately 65,000m² of commercial office space;
- introducing maximum building heights in the Gungahlin East and North West precincts;
- introducing minimum building heights in the Gungahlin East Precinct;
- providing flexibility in the location of community facilities;
- changing the names and boundaries of sub-precincts within the town centre;
- relocating nominated public car park from block 2 section 229 to block 2 section 11 (between Ernst Cavanagh and Hibberson Streets); and
- improving requirements for the public domain.

4.2 The Draft Variation has interim effect³⁶ on precinct 2b.³⁷

4.3 Under Section 72 of the Planning and Development Act 2007, the Draft Variation applies during the defined period, starting from the day when the Draft Variation given to the Minister is notified (the notification day). In this case, the notification day is 31 March 2021.³⁸

³⁵ *Draft Variation to the Territory Plan 364 Gungahlin Town Centre: Amendments to the Gungahlin precinct map and code*, recommended version, February 2021, p. 2

³⁶ **Note:** Changes to the Territory Plan, such as draft variations, can have interim effect for a particular amount of time. This means that during the period of interim effect individuals or the government cannot do anything that is inconsistent with the Territory Plan if it were changed in accordance with the draft variation Environment, Planning and Sustainable Development – Planning website https://www.planning.act.gov.au/planning-our-city/territory_plan/interim_effect, accessed 20 September 2021

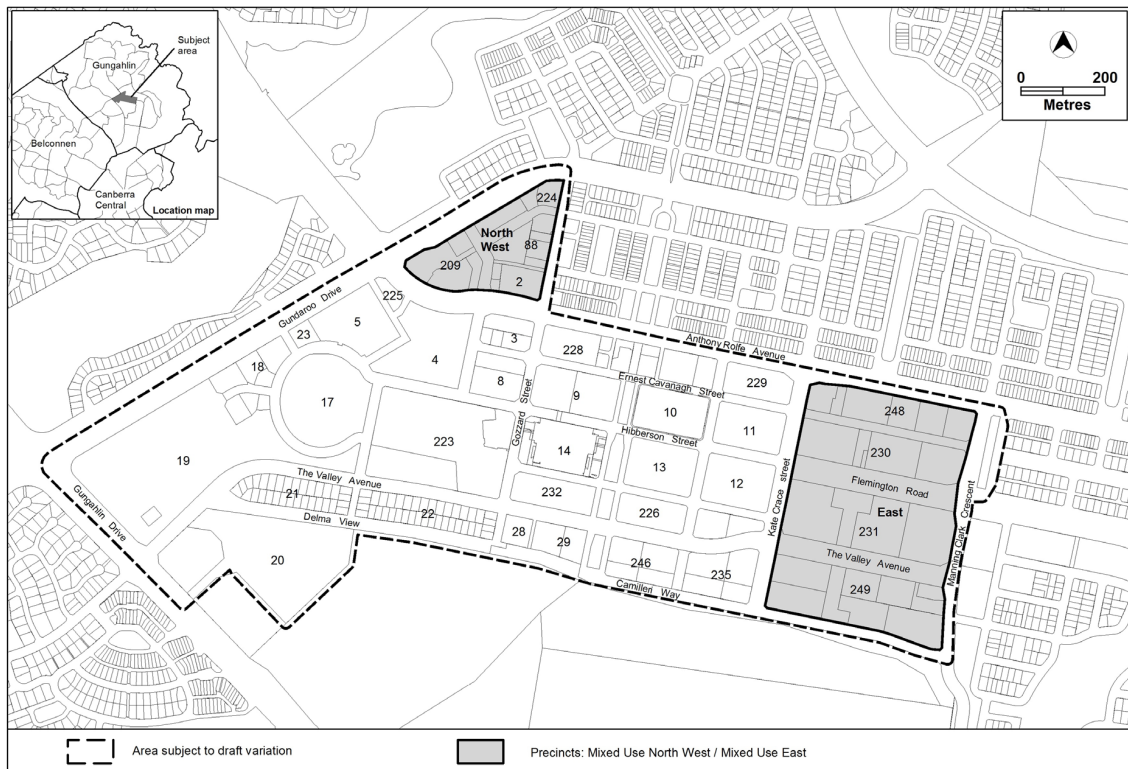
³⁷ *Draft Variation to the Territory Plan 364 Gungahlin Town Centre: Amendments to the Gungahlin precinct map and code*, recommended version, February 2021, p. 7

³⁸ [Planning and Development \(Draft Variation 364\) Public Availability Notice 2021 | Notifiable instruments \(act.gov.au\)](#)

4.4 The Territory, the Executive, a Minister or a territory authority must not, during the defined period, do or approve the doing of anything that would be inconsistent with the Territory Plan if it were varied in accordance with the Draft Variation. For the area not subject to interim effect, the current Territory Plan provisions continue to apply.³⁹

4.5 The Draft Variation area is the Gungahlin Town Centre. It is bound on the north-west by Gundaroo Drive, the south-west by Gungahlin Drive, Anthony Rolfe Avenue to the north, Manning Clark Crescent to the east, and the Mulanggari Grasslands in the south. The proposed changes to the Gungahlin Town Centre precinct map and code mostly relate to the recommended mixed use Precincts 2a and 2b, which are the shaded areas in Figure 1.⁴⁰

4.6 Figure 1: Location Plan⁴¹



³⁹ Draft Variation to the Territory Plan 364 Gungahlin Town Centre: Amendments to the Gungahlin precinct map and code, recommended version, February 2021, p. 7

⁴⁰ Draft Variation to the Territory Plan 364 Gungahlin Town Centre: Amendments to the Gungahlin precinct map and code, recommended version, February 2021, p. 2

⁴¹ Draft Variation to the Territory Plan 364 Gungahlin Town Centre: Amendments to the Gungahlin precinct map and code, recommended version, February 2021, p. 1

CONSULTATION BY THE ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE

- 4.7 The Draft Variation was released for public comment on 30 September 2019.⁴² The closing date for comments was 18 November 2019. The Directorate received a total of 9 written submissions. Comments from the National Capital Authority (NCA), Conservator of Flora and Fauna, Environment Protection Authority (EPA), ACT Heritage Council and the Suburban Land Agency (SLA) were received and assessed prior to release of the Draft Variation and were included in the Draft Variation which was released for public consultation.⁴³
- 4.8 Key issues of concern raised in the public submissions included⁴⁴:
- wanting higher building heights (maximum numbers of storeys) in Precinct2b - Mixed Use North West;
 - opposition to reducing the area reserved for commercial space in the Precinct 2a - Mixed Use East and allowing residential development in the former Office Core Precinct instead;
 - wanting the removal of the requirements for commercial uses at ground level from the Mixed Use North West Precinct 2b because it reduces profitability; and
 - opposition to the Draft Variation having interim effect because it is premature.
- 4.9 In response to public comments received in the consultation process, 34 changes were made to the exhibited version of the Draft Variation.⁴⁵ This has become DV364 and is the subject of this inquiry.

COMMITTEE COMMENT

- 4.10 The committee is of the opinion that the Draft Variation is not fully formed and that the technical documents don't serve to realise the objectives of the town centre plans. The committee also questions how the DV will shape the town centre and interact with the indicative land releases to lead to the stated outcomes.

⁴² [Planning and Development \(Draft Variation No 364\) Consultation Notice 2019 | Notifiable instruments](#)

⁴³ [Report on Consultation](#): Draft Variation to the Territory Plan 364 - Gungahlin Town Centre, February 2021, p. 1

⁴⁴ [Report on Consultation](#): Draft Variation to the Territory Plan 364 - Gungahlin Town Centre, February 2021, p. 1

⁴⁵ *Draft Variation to the Territory Plan 364 Gungahlin Town Centre: Amendments to the Gungahlin precinct map and code*, recommended version, February 2021, pp. 5-6

5 KEY ISSUES

COMMERCIAL LAND TARGETS

- 5.1 DV364 reserves 65,000m² for commercial office space, this issue was of major concern to almost every contributor, many highlighting the lack of employment opportunities in the town centre due to low levels of office development.
- 5.2 Jenifer Atkins noted that a well-functioning, future ready and sustainable Gungahlin Town Centre would be characterized by good employment opportunities, retail and commercial spaces, entertainment and community facilities, well designed traffic flows and parking, active travel and parks.⁴⁶
- 5.3 Jason Bailey states that the reduction in Commercial Office Space in DV364 will adversely impact on the town centre which is becoming a dormitory region with little or no opportunity for jobs, resulting in a mass exodus every morning as people transit to other town centres to undertake work. Businesses in the town centre are deprived of potential revenue as the majority of residents transit to other town centres to work.⁴⁷ This view is supported by many of the other submitters to this inquiry.
- 5.4 The Gungahlin Community Council notes that by itself, DV364 does not address the challenge of developing the Gungahlin town centre as a district hub for employment, which in turn underpins a viable town centre. They also noted that there is no mechanism to guide the development of office space in Canberra:

“prior to ACT self-government, the National Capital Development Commission (NCDC) restricted the total amount of office space that could be developed in central Canberra, facilitating the construction of large commercial offices to support Federal government agencies in the town centres of Belconnen, Tuggeranong, and Woden. With the introduction of self-government, the NCDC was abolished, and no regulatory mechanism was provided to guide/enforce where commercial space was developed, and government agencies (the major employer in the ACT) were free to build offices wherever they please. The Gungahlin Town Centre is the first town centre that has been developed under self-government”.⁴⁸

⁴⁶ Jennifer Atkins, Submission 2

⁴⁷ Jason Bailey, Submission 5

⁴⁸ Gungahlin Community Council, Submission 14, p. 2

- 5.5 Peter Elford also noted that the Gungahlin Town Centre is the first town centre to have been developed under ACT self-government. In the other existing town centres substantial amounts of commercial office space were established under guidelines enforced by the National Capital Development Commission (NCDC).⁴⁹
- 5.6 DV364 reserves Blocks 3 and 5 Section 231 (Rule 43 (R43)) in Precinct 2a – Mixed Use East exclusively for the development of commercial office and ancillary use and applies rule 44 (R44) which states that R43 applies until 1 January 2024 or to a date extended by the ACT Government’s Indicative Land Release Program.⁵⁰ Precinct 2b – Mixed Use North West has no blocks reserved exclusively for commercial offices. It will become a mixed use area with commercial space on the ground floor of buildings and allows residential living on other levels.⁵¹
- 5.7 The changes to the commercial office space in DV364 are made by the Gungahlin Planning Refresh which outlined that:
- the Gungahlin Town Centre Planning Report (2010) predicted 200,000m² of commercial office floor space would be required over the long term;
 - by 2016 there was approximately 13,500m² of commercial office floor space in Gungahlin, with an additional 5,500m² elsewhere in the Gungahlin district including Mitchell;
 - the town centre has the lowest rate of commercial floor space in the ACT with a ratio of 0.27m²/resident, compared to Belconnen at 2m²/resident, Woden at 5.2m²/resident and Tuggeranong at 1.7m²/resident;
 - on the basis of the above district commercial office spaces per resident ratios, the Planning Refresh recommends a more informed total commercial office floor space target in the town centre of 100,000m², this equates to approximately 1m² of commercial office space per resident; and
 - as such, 65,000m² is now targeted for large scale office development which should be located in close proximity of the light rail with the floor space target to be monitored and reviewed after five years.⁵²

⁴⁹ Peter Elford, Submission 11

⁵⁰ [Gungahlin Precinct map and code: includes Gungahlin Town Centre](#), p. 27

⁵¹ [Gungahlin Precinct map and code: includes Gungahlin Town Centre](#), p. 43

⁵² [Gungahlin Town Centre Planning Refresh Snapshot](#), November 2018, p. 3

- 5.8 Jennifer See submits that Gungahlin does not need more apartments in Precincts 2a and 2b as many new apartments continue to be built along the light rail corridor on Flemington Road through to Civic. What is lacking in Gungahlin is sufficient employment opportunities, retail, entertainment, and cultural activity to allow those who choose to live in the region to also work, shop and play within their town centre.⁵³ As already noted this is a view shared by many of the others who made submissions to this inquiry.
- 5.9 The Minister for Planning and Land Management, Mick Gentleman MLA, appeared before the committee with Directorate officers. The committee noted comments from contributors about the change in the space for commercial office space in the town centre, and asked the Minister to respond. He told the committee that:
- residential living within the town centre has increased, mainly due to the delivery of light rail, to support this trend, DV364 provides an opportunity for more residential development, particularly in the two parcels of land to the east of the centre; and
 - there has not been an appetite for large commercial use, we note that there are large commonwealth departments in many of the other town centres but they have not chosen to set up in Gungahlin.⁵⁴
- 5.10 The Directorate indicated that DV364 proposes to set aside certain land for 65,000m² of commercial office accommodation. They did acknowledge that while this is a reduction from the original Gungahlin Town Centre Planning Report (2010) recommendation, where it was about 200,000 square metre, Gungahlin Town Centre currently has 35,000 square metres of developed commercial space. Within the current 100,000 square metres allowance for commercial space there remains 65,000 square metres to go, which this DV sets aside just for that use.⁵⁵
- 5.11 The Directorate stated that they have not done a specific assessment on the reduction of commercial space in the town centre, but noted that not all prospective employees live in the districts where the employment is—people travel, departments move, agencies relocate.⁵⁶
- 5.12 One final point raised in a submission from Darron Marks is that the community was not specifically consulted about the proposed change in office core space from 200,000 square metres to 100,000 square meters as now recommended by DV364.⁵⁷ This view is also supported by the submission from the Gungahlin Community Council.

⁵³ Jennifer See, Submission 12

⁵⁴ Mick Gentleman MLA, Proof Transcript of Evidence, 29 July 2021, p.24

⁵⁵ Ben Ponton, Director-General, EPSDD, Proof Transcript of Evidence, 29 July 2021, p.27

⁵⁶ Steven Gianakis, (Acting Senior Director, Strategic Planning and Reform, EPSDD), Proof Transcript of Evidence, 29 July 2021, p. 30

⁵⁷ Darron Marks, Submission 1

COMMITTEE COMMENT

5.13 The Committee is concerned by the methodology used to determine the demand for commercial land within the town centre and the subsequent decrease in land reserved for commercial use. Most concerning is that a commercial needs assessment was not undertaken to inform the decision that demand had in fact decreased. As noted in the hearings commercial activity has changed since the inception of the town centre and demand for land uses such as bricks and mortar retail and pure office space have declined. While the committee accepts that more traditional uses may be in decline, we have also seen many new opportunities arise but not be factored into the planning opportunities for the town centre.

Recommendation 1

5.14 To inform the Territory Plan planning regulations a thorough investigation be completed by the ACT Government that:

- identifies retail, community and commercial activity that can prosper in the town centre including activities that can anchor further growth;
- identifies options for the ACT Government to support potential commercial activity through appropriate land provision and complementary policy settings; and
- the findings of the investigation be used to inform the sale and development requirements of future land releases in the town centre.

Recommendation 2

5.15 The Committee recommends the ACT Government remove criterion 43 and the new R44 from DV364 in order to reserve priority commercial space.

MIXED USE DEVELOPMENT

5.16 The Gungahlin Planning Refresh recommended that for Precinct 2a that the existing Territory Plan restriction on residential uses in the area be removed to allow for mixed use developments. This would mean that some of the large vacant land is developed in the short to medium term, while also supporting light rail and activating the precinct throughout the day and night.⁵⁸

⁵⁸ [Gungahlin Town Centre Planning Refresh Snapshot](#), November 2018, p. 12

5.17 The Gungahlin Community Council notes in its submission that residents in Gungahlin do not want further residential development in the town centre, they would prefer office developments to support local employment opportunities:

“Residents have indicated a strong desire for employment and services with the town centre—and reject an increase residential development as proposed by DV364. The Gungahlin Community Survey in 2019 showed 85% of the 1,481 respondents wanted no more than 25% of the town centre space used for residential”.⁵⁹

5.18 George Katheklakis (Director, KDN Group) appeared before the committee and in relation to mixed use he noted that:

- the definition of mixed use is very broad and unclear;
- mixed use precincts allow both residential and commercial, that does not preclude anyone from just putting a single use building, either residential or commercial, within that precinct;
- it is often assumed that if you have a mixed use site, the requirement is that you put mixed uses on the ground floor—for example commercial—and levels above have various other uses;
- the mixed use definition should not be confused with the desire for consistent street frontage, with just shops on the ground floor, that is not always the case and it is not always feasible.⁶⁰

5.19 George Katheklakis (Director, KDN Group) also noted that in a mixed use precinct the planning itself and the development codes that are put around what you are trying to achieve are critical, you need the right intent from the start of any development. You can put the best planning outcomes on the table and sometimes you just do not get the outcome. It really does sometimes come back to the intent of the developer and what is actually pushing those commercial imperatives.⁶¹

5.20 George Katheklakis (Director, KDN Group) also noted that market conditions at the time dictate what is built. There is always a desire from a planning perspective to have certain uses within a precinct, however if there is no marketability around it—if it is not feasible and if the market does not support that use—the developer cannot actually provide that use. It is not unusual to have a precinct that is earmarked for one use turn into something else because of market conditions.⁶²

⁵⁹ Gungahlin Community Council, Submission 14, p. 3

⁶⁰ George Katheklakis, Director, KDN Group, Proof Transcript of Evidence, 29 July 2021, p. 4

⁶¹ George Katheklakis, Director, KDN Group, Proof Transcript of Evidence, 29 July 2021, p. 5

⁶² George Katheklakis, Director, KDN Group, Proof Transcript of Evidence, 29 July 2021, p. 4

5.21 The Gungahlin Community Council appeared before the committee (Peter Elford, President, GCC). Their view was that just reserving the land and assigning conditions to it in DV364 is only part of what is required:

“At the moment, with the lease issues, the planning and the zoning attached to each individual block, there is a complete absence of an overall plan to create incentives to establish and/or attract employers or other reasons, as I say, to develop the town centre consistent with community expectations, The answer to that, the only response that has been presented to us by the government is, “We can” —or cannot—“reserve land for commercial use”.⁶³

5.22 They also noted the need for a strategic plan for the town centre, not just around land use but also around traffic planning, parking and retail opportunities, so that people and businesses are attracted and retained in the town centre. At the moment there is no vision.⁶⁴

5.23 Adina Cirson (ACT Executive Director, Property Council of Australia) appeared before the committee and noted that:

- from the developer’s perspective mixed-use development means having a viable mix of residential and commercial active frontages at the ground level;
- mixed use developments enable people to live in the town centre and encourages vibrancy at all hours of the day, including from a commercial viability perspective, during the day; and
- across the city, we see that some required mixed use developments are not viable and are left with ground-floor commercial space which are difficult to lease.⁶⁵

5.24 The Minister for Planning and Land Management, Mick Gentleman MLA, appeared before the committee with Directorate officers. The committee noted comments from contributors about mixed use development in the town centre, and asked the Minister and his officers to respond. The Directorate noted that in relation to:

- residential development planning includes the needs of future citizens, the GCC surveyed existing residents, and while there may not be demand from people who already living in Gungahlin, the demand for people who will be future citizens needs to be considered;⁶⁶

⁶³ Peter Elford, President, GCC, Proof Transcript of Evidence, 29 July 2021, p. 17

⁶⁴ Peter Elford, President, GCC, Proof Transcript of Evidence, 29 July 2021, p. 18

⁶⁵ Adina Cirson, ACT Executive Director, Property Council of Australia, Proof Transcript of Evidence, 29 July 2021, p. 3

⁶⁶ Ben Ponton, Director-General, EPSDD, Proof Transcript of Evidence, 29 July 2021, p.25

- vacancy rates in the ACT for:
 - residential properties (empty rental properties relative to the total stock of rental properties) calculated by Domain in June 2021 was 0.8 per cent and by SQM Research for June 2021 as 0.7 percent; and
 - commercial properties rates (total vacant office space as a per cent of total office space) are published bi-annually for capital cities by The Property Council of Australia (PCA). In January 2021, Canberra’s Office vacancy rate was 10.1 percent, unchanged from July 2020 and 0.2 percentage point lower than January 2020;⁶⁷
- there are a range of other planning documents such as, for example, the ACT Planning Strategy 2018 and a key government policy within this strategy is that future growth be accommodated primarily within the existing urban area, in town centres and along transport corridors;⁶⁸
- mixed use development allows smaller scale offices to be accommodated. Office accommodation does not need to be 20,000 to 30,000m²; they can be 1,000m²,2,000m², depending on the nature of the business that is attracted to the town centre. DV364 sets aside 65,000m² for commercial and office space but does not preclude office accommodation in other land releases in the area;⁶⁹ and
- mixed use areas provide more flexibility and in the current COVID environment this has meant that smaller office spaces have survived better than some of the bigger offices.⁷⁰

5.25 The committee also noted the comments from George Katheklakis (Director, KDN Group) and asked the Minister and his officers to respond. The Directorate noted that:

- one of the key reforms that they have recommended relates to block controls in the current planning system, and the need for something to fill the gap in between the district, or precinct level controls, and strategic planning work;⁷¹ and
- this Draft Variation has been going through the current planning system for years and the directorate cannot just say “from today there are no more variations until we get the new planning system”, we are looking at how to frame variations in the interim that can be folded into a new Territory Plan.⁷²

⁶⁷ Mick Gentleman, Minister for Planning and Land Management, answer to Question Taken on Notice No 2, hearings of 29 July 2021.

⁶⁸ Ben Ponton, Director-General, EPSDD, Proof Transcript of Evidence, 29 July 2021, p.25

⁶⁹ Ben Ponton, Director-General, EPSDD, Proof Transcript of Evidence, 29 July 2021, p.27

⁷⁰ Dr Erin Brady, Deputy Director-General, Planning and Sustainable Development, (EPSDD), Proof Transcript of Evidence, 29 July 2021, p.32

⁷¹ Ben Ponton, Director-General, EPSDD, Proof Transcript of Evidence, 29 July 2021, p.35

⁷² Ben Ponton, Director-General, EPSDD, Proof Transcript of Evidence, 29 July 2021, p.36

COMMITTEE COMMENT

5.26 It was clear from all evidence before the Committee that mixed use development and the planning settings are very broad and not necessarily achieving the outcomes the Government, community or developers are wanting. The testimony highlighted the obstacles to achieving a mixed use precinct when developers only have responsibility for one single block and how a precinct scale development has more potential to achieve the outcomes sought.

Recommendation 3

5.27 In order to realise the objectives of the planning provisions, the ACT Government amend the indicative land release program so that the unsold blocks in Gungahlin East precinct:

- be sold as a precinct rather than as individual blocks;
- have contractual and lease requirements applied to the sale to deliver a precinct that includes retail, business, and community facility developments;
- apply a maximum number of residential dwellings allowable so that residential dwellings are not the primary or majority use;
- apply a minimum square metre requirement for commercial development; and
- be designed in consultation with the community.

Recommendation 4

5.28 If the remaining blocks in the Gungahlin East Precinct are sold as individual blocks, the Committee recommends the ACT Government maintain a commercial zoning for these blocks and apply a maximum number of residential dwellings and a minimum square metre requirement for commercial development permitted for each block to ensure that residential dwellings are not the primary or majority use.

BUILDING HEIGHTS

5.29 DV364 sets maximum building heights in Rule 47 for Precinct 2a – Mixed Use East of between three to eight storeys. The tallest buildings can be developed along the light rail corridor on Flemington Road (area ‘a’), and lower building heights are set as development moves to streets surrounding this corridor. There is an added criterion 47 (C47) which allows up to two additional storeys in area ‘a’ subject to meeting the criterion.⁷³ The maximum building heights

⁷³ [Gungahlin Precinct map and code: includes Gungahlin Town Centre](#), p. 35

for Precinct 2b - Mixed Use North West, of between seven to fourteen storeys, are set out in Rule 64.⁷⁴

5.30 The Gungahlin Community Council supports the changes to building height but notes that the change is redundant for Precinct 2b as there are developments already approved in the area that exceed the proposed height limits.⁷⁵

5.31 A submission received from Landco Pty Ltd outlined the adverse impact the introduction of height limits in Precinct 2b - Mixed Use North West would have on any subsequent development on their site Block 6 Section 88. The submission noted that:

- Block 6 was acquired by the Lessee in 2010, however 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;
- prior to DV 364 the block was not subject to building height restrictions;
- the introduction of DV364 with interim effect has had immediate consequences to the development potential of Block 6. Since most blocks within this precinct have already been developed without limits on building heights, the impact of these changes disproportionately and inequitably burden the Lessee of Block 6; and
- the recommended maximum building height of 42 metres (R64) 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.⁷⁶

5.32 The Gungahlin Town Centre Planning Refresh building height recommendations incorporated into DV364 are required to minimise overshadowing, bulk and scale on existing adjacent low scale residential buildings. Future blocks in Precinct 2b will be developed or redeveloped in the future with a maximum building height of 14 storeys (approximately 51m high), stepping down, west to east, to 7 storeys towards the existing residential area on the eastern edge of the precinct.⁷⁷

COMMITTEE COMMENT

5.33 The Committee notes that the changes to building heights were broadly supported by the evidence submitted to the inquiry except for block 6 section 88. The Committee notes that

⁷⁴ [Gungahlin Precinct map and code: includes Gungahlin Town Centre](#), p. 43

⁷⁵ Gungahlin Community Council, Submission 14, p. 1

⁷⁶ Landco Pty Ltd, Submission 14, p. 3

⁷⁷ [Gungahlin Town Centre Planning Refresh Snapshot](#), 2018, p. 13

provision has been made for some blocks to have an additional two storeys if exceptional design can be demonstrated (C47) and believes this should be applied to all blocks.

Recommendation 5

5.34 The ACT Government apply the provision for an additional two storeys of building height to all blocks with height limit provisions in the town centre.

TRAFFIC AND ACTIVE TRAVEL CONSIDERATIONS

- 5.35 The broader Gungahlin district transport network was considered as part of the Gungahlin Planning Refresh as it is part of a wider ACT transport network. The 2016 Census journey to work data showed that 81% of Gungahlin workers travelled outside of the district for employment and 77.4% of these workers travel to work by car, resulting in high levels of traffic on arterial roads of the Gungahlin district road network during peak hour. Transport modelling found that high levels of vehicle traffic already use the arterial road network for interdistrict travel and that potential increased residential growth within the town centre in the short and medium term will not significantly add to these issues.⁷⁸
- 5.36 The light rail project has since been completed and will impact on traffic flows, public transport and parking in the Gungahlin Town Centre.
- 5.37 Sharee Schultz in her submission stated that traffic flows in the Gungahlin Town Centre are a “nightmare”. She specifically noted that:
- entry and exit from the Kmart shopping centre banks up due to it being so close to the intersection. When pedestrians can cross, vehicles are allowed to turn at the same time;
 - the configuration of lights at the Valley Way intersection only allows a few cars to go through before turning red, creating a bank up of cars along Valley Way;
 - these traffic issues need to be addressed before allowing more apartments into the town centre; and
 - there are parking problems around mixed use buildings, there are numerous vehicles illegally parked and damaging green space areas, especially around Gungahlin Place. Currently people are using the land behind the Market Place to park, but eventually that land will be sold, where will all those people park? More mixed use buildings within the town centre will only exacerbate this issue.⁷⁹

⁷⁸ [Gungahlin Town Centre Planning Refresh Snapshot](#), November 2018, p. 16

⁷⁹ Sharee Schultz, Submission 3

5.38 Jennifer See in her submission outlined the congestion problems:

“the significant boost in population and lack of viable office jobs (with the exception of ACT Shared Services) means....it takes 35 minutes to an hour each way to commute to Woden for work. The light rail is not a viable option for many, so we are left with long commutes to get to work. Investing in office infrastructure for large businesses and government departments means Gungahlin residents are off the roads.”⁸⁰

5.39 George Katheklakis (Director, KDN Group) in his appearance before the committee noted that in relation to mixed use precincts and town centres, one thing that keeps getting missed is the parking strategy. There needs to be a strategy as to how people are going to utilise the parking facilities in the town centre and if there is going to be paid parking in an area or not. Currently, Gungahlin Town Centre has no pay parking. That is different from every other town centre.⁸¹

COMMITTEE COMMENT

5.40 The Committee notes traffic and transport assessments for the town centre are anticipated to be undertaken in the next 12 months and that these studies will consider how vehicle and active transport conditions within the town centre can be improved. The Committee also notes that the Gungahlin Town Centre Snapshot proposed several pedestrian links that should be supported. It is unclear however how the outcomes of the traffic survey and the priorities of the active travel links in the town centre snapshot are to be incorporated into the territory plan through positioning of active frontages and other vehicle and parking arrangements.

Recommendation 6

5.41 The Committee recommends active travel and vehicle and parking arrangements are reconsidered following the completion of the traffic and transport assessments being undertaken by Transport Canberra and City Services.

PUBLIC REALM

5.42 The Gungahlin Planning Refresh states that the town centre’s network of streets, linear parks, trees and other open spaces all contribute to the setting of the town centre and its public domain. The public realm in the town centre is characterised by hard surfaces, and a lack of ‘green’ areas that are not utilised to their full potential. Softening the spaces with landscaping

⁸⁰ Jennifer See, Submission 12

⁸¹ George Katheklakis, Director, KDN Group, Proof Transcript of Evidence, 29 July 2021, p. 14

and activating the public realm can be used to increase the town centre's appeal and contribute to a vibrant and well used open space network.⁸²

5.43 The lack of 'green' in the town centre is also noted by Sharee Schultz in her submission to the inquiry stated that:

"currently the Gungahlin area is becoming a concrete jungle. There is not much greenery and it is quite dark and feels enclosed. As a mother, there is no safe areas for children to play while parents have a coffee. The cars drive through the main town centre, which pollutes all the eating areas outside the shops. I would have designed that the cars and buses go around that whole area and not through the middle".⁸³

5.44 The Minister for Planning and Land Management, Mick Gentleman MLA, appeared before the committee with Directorate officers. The committee noted comments from contributors about the change in the active frontages in the town centre, and asked the Minister and officials to respond. The Directorate stated that through DV364 that:

- where public realm changes might be important give an indication along particular frontages of the focus of use—mixed use or commercial or activation—because we want it for surveillance or activation purposes;⁸⁴ and
- they have strengthened, tightened, or relaxed the need for active frontages, in some locations there is an opportunity on the ground floor—not in the main pedestrian thoroughfares—to have some residential use in very selected locations.⁸⁵

5.45 Adina Cirson (ACT Executive Director, Property Council of Australia) in her appearance before the committee in hearings of 29 July 2021 noted that:

- there is a need for good public realm and good connections between commercial and residential development and linkages back into the main town centre area. These are things that are affected through DV364;⁸⁶ and
- good precinct development needs to be strategic, it needs to look at the whole area. Single developers like those at New Acton have the advantage of doing their own master plan and delivering those things with the right mixes.⁸⁷

⁸² [Gungahlin Town Centre Planning Refresh Snapshot](#), 2018, p. 14

⁸³ Sharee Schultz, Submission 3

⁸⁴ Dr Erin Brady, Deputy Director-General, Planning and Sustainable Development, EPSDD), Proof Transcript of Evidence, 29 July 2021, p. 36

⁸⁵ Steven Gianakis, (Acting Senior Director, Strategic Planning and Reform, EPSDD), Proof Transcript of Evidence, 29 July 2021, p. 31

⁸⁶ Adina Cirson, ACT Executive Director, Property Council of Australia, Proof Transcript of Evidence, 29 July 2021, p. 2

⁸⁷ Adina Cirson, ACT Executive Director, Property Council of Australia, Proof Transcript of Evidence, 29 July 2021, p. 13

- 5.46 Nichelle Jackson (Director, Canberra Town Planning, representing Landco Pty Ltd), in her appearance before the committee, noted that DV364 impeded development with the wording of the requirement for the active uses at ground level. Non-retail commercial use is the term that applies to the definition of office. "Office" is not considered an active use, so the ground level would not provide for offices at the ground level under the code.⁸⁸
- 5.47 This view was supported by George Katheklakis (Director, KDN Group) in his appearance before the committee who noted that "you cannot have a continuous line of active uses, especially if it is a commercial office building. You can have a cafe or another small shop, but to have an expectation that there will be a continuous promenade of cafes like the Champs Elysees is out of the question".⁸⁹

COMMITTEE COMMENT

- 5.48 The Committee notes in the desired outcomes of the territory plan variation includes "build upon the distinct public domain character and provide opportunity for variety and change in the public realm". It is unclear to the committee what public realm changes will occur because of the variation especially given the location of active frontages and the impact this will have on activating or not activating key public realm areas.
- 5.49 The committee also notes that community space should be determined by floor area, not land area.

Recommendation 7

- 5.50 The Committee recommends active frontage placements are reconsidered with priority to having active frontages in areas identified as pedestrian throughfares.**

SCOPE OF AREA CONSIDERED

- 5.51 Gungahlin Town Centre is surrounded by a substantial open space network with Yerrabi Pond to the north and the Valley Ponds to the west. In the future, a linear park will transect the Gungahlin East precinct. Access to these open spaces is disrupted by major roads and intersections.⁹⁰
- 5.52 DV364 does not cover the Yerrabi and Valley Ponds areas.

⁸⁸ Nichelle Jackson, Director, Canberra Town Planning, representing Landco Pty Ltd, Proof Transcript of Evidence, 29 July 2021, p. 12

⁸⁹ George Katheklakis, Director, KDN Group, Proof Transcript of Evidence, 29 July 2021, p. 13

⁹⁰ [Gungahlin Town Centre Planning Refresh Snapshot](#), 2018, p. 14

- 5.53 As noted in many areas of this report by submitters, the lack of a strategic plan for the Gungahlin Town Centre and its surrounds, with consideration being given to the interaction between the built form, public spaces, traffic, parking and active travel is impacting the cohesive development of the centre.

COMMITTEE COMMENT

- 5.54 The Committee understands the study area of the Draft Variation has been determined based on the core of the town centre activity. The Committee however notes that the Gungahlin Refresh Snapshot identifies key connections to surrounding areas such as Yerrabi Pond recreational area and key throughfares which are not included in the study area. The Committee is concerned the disconnection of these key connections will lead to missed opportunities and disjointed development in the town centre.

Recommendation 8

- 5.55 The Committee recommends the study area for the Gungahlin Town Centre Draft Variation be extended to incorporate Yerrabi Pond recreational and commercial area and the key connections of Gungahlin Place north of Anthony Rolfe Ave and Nellie Hamilton Ave as well as Camtamessa Avenue.**

Ms Jo Clay MLA

Chair

30 September 2021

APPENDIX A - WITNESSES

PUBLIC HEARING 29 JULY 2021

- Dr Erin Brady, Deputy Director-General, Planning and Sustainable Development, Environment, Planning and Sustainable Development Directorate
- Ms Adina Cirson, ACT Executive Director, Property Council of Australia
- Mr Kevin Cox, Gungahlin Community Council (GCC)
- Mr Peter Elford, President, Gungahlin Community Council (GCC)
- Mr Mick Gentleman MLA, Minister for Planning and Land Management
- Mr Steven Gianakis, Acting Senior Director, Strategic Planning and Reform, Environment, Planning and Sustainable Development Directorate
- Ms Nichelle Jackson, Director, Canberra Town Planning, representing Landco Pty Ltd
- Mr George Katheklakis, Director, KDN Group
- Ms Alix Kaucz, Senior Director, Territory Plan, Environment, Planning and Sustainable Development Directorate
- Mr Darron Marks, Treasurer, Gungahlin Community Council (GCC)
- Mr Ben Ponton, Director-General, Environment, Planning and Sustainable Development Directorate

APPENDIX B – SUBMISSIONS

Submission Number	Submitter	Received
1	Mr Darron Marks	25/06/21
2	Ms Jennifer Atkins	25/06/21
3	Ms Sharee Schultz	29/06/21
4	Ms Sharyn Bailey	30/06/21
5	Mr Jason Bailey	30/06/21
6	Mr Kevin Cox	30/06/21
7	Landco Pty Ltd	16/07/21 (requested extension until 16/07/21 – agreed by committee 1/07/21)
8	Ms Sunita Dhindsa	30/06/21
9	Mr Jack Qian	30/06/21
10	Ms Suzanne O'Brien	1/07/21
11	Mr Peter Elford	1/07/21
12	Ms Jennifer See	1/07/21
13	Mr Terence Janssen	7/07/21
14	Gungahlin Community Council	16/07/21

APPENDIX C – QUESTIONS TAKEN ON NOTICE

Questions taken on Notice 29 July 2021

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
1	29/07/21	Ms Orr	ACT Government	Mixed use development	
2	29/07/21	Ms Clay Mr Braddock	ACT Government	Commercial vacancy rates	10/08/21



ACT
Government

Environment, Planning and
Sustainable Development

ATTACHMENT B

Planning and Development Act 2007

REPORT ON CONSULTATION

Draft Variation
to the Territory Plan 364

Gungahlin Town Centre

December 2020

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	<i>Appendix 2</i>	Copies of public comments received on draft variation 364

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1. INTRODUCTION

This consultation report was prepared in accordance with section 69 of the *Planning and Development Act 2007*.

The report describes the consultation undertaken on the draft variation with the public, the National Capital Authority (NCA), the Conservator of Flora and Fauna, the Environment Protection Authority (EPA), ACT Heritage Council and the Suburban Land Agency (SLA) as land custodian, and responds to the issues raised.

2. COMMENTS FROM THE PUBLIC

2.1 Details

The draft variation was released for public comment on 30 September 2019. The closing date for comments was 18 November 2019. The draft variation released for public consultation is at **Appendix 1**.

Nine written submissions were received during the public consultation period. The submissions were from individuals (2 responses), industry (3 responses), lessees or on behalf of lessees (3 responses), and the Gungahlin Community Council (1 response). Multiple generic email submissions were also received, but due to their nature and similar content have been considered as one submission. The following issues were raised:

Issue	Number of submissions
Support the draft variation	6
Desire for higher building heights (maximum numbers of storeys) in the Mixed Use North West Precinct 2b	4
Oppose reducing the area reserved for commercial space in the Mixed Use East Precinct 2a and allowing residential development in the former Office Core Precinct 2a	3
Requirements for commercial uses at ground level should be removed from the Mixed Use North West Precinct 2b because it imposes additional financial pressure	3
Provisions relating to driveway access and community facilities are unclear	3
Oppose the draft variation having interim effect because it is premature	3
Restrictions on residential uses should only apply at ground level in Retail Core Mixed Use Precinct 1b as current restrictions prevent ancillary residential uses at ground level is prohibited	2
Active frontage requirements will have minimal effect in Mixed Use North West Precinct 2b	2
Quantitative requirements are unsuitable for soft landscaping in communal open areas of residential developments	2

Object to building envelope requirements in Retail Mixed Core Precinct 1b because they increase construction costs and reduce feasibility of development on smaller blocks	2
Oppose requirements for public car parking	2
Support for proposed building heights in Precinct 2b – Mixed Use North-West	1
Concerns about impacts of development in Precinct 2a - Mixed Use East adjacent to existing residential area	1
Podium requirements for setback and articulation in the Mixed Use North West Precinct 2b will have no effect on improving streetscape	1
Application of some building design provisions should only apply to new development	1
Concerns about changes to requirements for active frontages in precinct 1a – Retail Core	1
Landscaping buffer between Hamer Street and Manning Clark Crescent should be improved	1
Road hierarchy and active travel network plans should be reinstated	1
Inadequate stakeholder consultation	1
Description of the Gungahlin Town Centre should be retained	1
Impact of intensification on infrastructure	1
Typographical issues in the proposed Gungahlin precinct code	1

Comments from the NCA, Conservator of Flora and Fauna, EPA, ACT Heritage Council and the SLA were received and assessed prior to release of the draft variation and were included in the draft variation which was released for public consultation at **Appendix 1**.

Copies of submissions received from the public are provided in **Appendix 2**.

2.2 Issues and responses

The key issues raised are summarised below, and responses provided.

2.2.1 Support for the draft variation

Six submissions generally support the draft variation and the review of planning provisions for the town centre.

Response

Support is noted. Other matters raised in the submissions are discussed below.

2.2.2 Desire for higher building heights (maximum numbers of storeys) in the Mixed Use North West Precinct 2b

Concern was raised about the nominated building height of Gungahlin section 88 block 6 not being consistent with surrounding tall buildings heights and that a maximum building height of up to 20 storeys should be allowed. The submitter also raised concern about restricting maximum building heights as a mandatory rule, thereby removing the criterion and thus discretion regarding height.

Another submission relating to block 3 section 224 Gungahlin also questioned the nominated maximum building height and requested a higher maximum height.

Response

The Mixed Use North-West precinct is bounded by Gundaroo Drive, Anthony Rolfe Avenue and Gozzard Street and is located in the north west of the town centre.

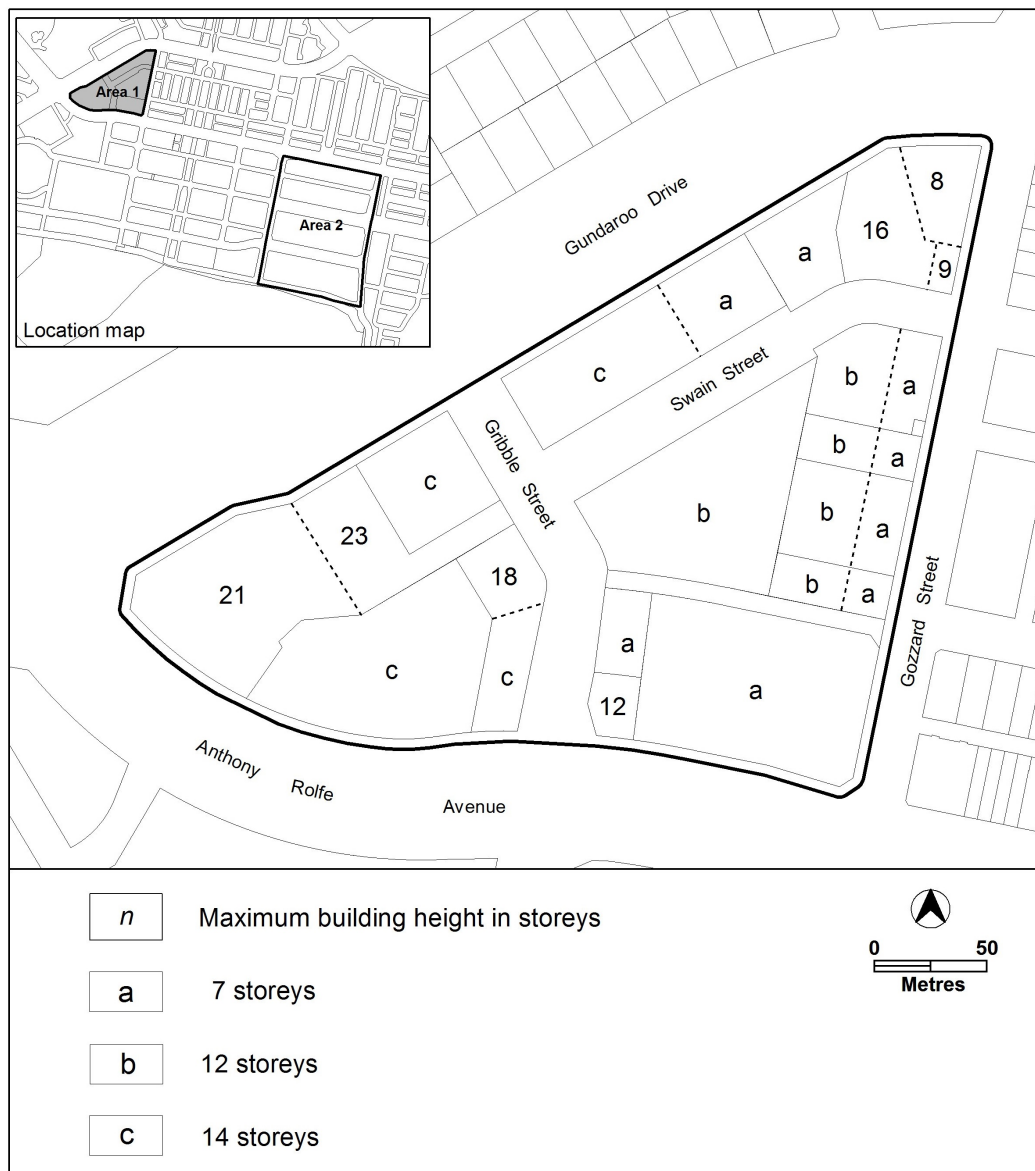


Figure 1 Precinct 2b – Mixed Use North West building heights (R64 refers)

Unlike other parts of the town centre, planning provisions for Precinct 2b – Office Park, which is proposed to be renamed Precinct 2b – Mixed Use North West contained flexibility about building heights via a criterion. These provisions resulted in tall buildings which changed the intended character of the precinct. The community expressed a view that the planning controls needed to provide certainty about maximum building heights and expressed a desire for improved building design outcomes. This was one of the reasons the planning refresh was commenced.

The draft variation proposes maximum building heights within the Mixed Use North-West precinct, with generally higher buildings to the west and lower buildings to the east, towards Gozzard Street, which allows greater solar access for the majority of buildings. Specifying maximum building heights provides certainty about built form outcomes for the lessee, neighbours and the wider community.

To set the maximum building height, EPSDD considered the following matters:

- a) constructed buildings, buildings under construction and approved developments in the precinct
- b) balancing the height of new development in the context of minimisation of overshadowing impacts on adjacent developments
- c) the retention of amenity for residential and other existing land uses

EPSDD analysed potential development outcomes on Gungahlin section 88 block 6 and potential overshadowing impacts of different heights of buildings using 3D modelling of the precinct. It was concluded that development of a 20 storey building would have a significant overshadowing impact on the adjacent and nearby developments and would also limit reasonable solar access to adjacent blocks. The maximum building height of 12 storeys proposed by the draft variation is retained.

The 3D modelling analysis also explored options for an increase of building height for block 3 section 224. The draft variation proposes a maximum of seven storeys. Currently, the block contains a one to two storey building and there is a seven storey building under construction to the west and an approved development of 16 storeys to the east.

The 3D modelling analysis indicated that building heights greater than seven storeys would create significant overshadowing of adjacent development.

In response to the outcomes of the overshadowing modelling for the above blocks, a new criterion C65 is proposed, requiring the retention of solar access to adjacent developments to make sure the amenity of existing and future residents is maintained. The proposed maximum building heights in the draft variation remain unchanged.

2.2.3 Oppose reducing the area reserved for commercial space in the Mixed Use East Precinct 2a and allowing residential development in the former Office Core Precinct 2a

There are concerns about the reduction of land available for commercial office development and the consequent employment loss within the town centre.

Further, by changing the precinct name from Office Core to Mixed Use East, residential use will be increased and will reduce the opportunity for commercial office development.

The timeframe for the expiration of rule R43, regarding blocks 3 and 5 section 231 for large scale commercial office development should be removed.

Response

The concerns are noted. The Gungahlin Town Centre Planning Refresh – Snapshot 2018 (the Snapshot), analysed the office space provided in the town centre and suburb and considered future demand.

The Gungahlin town centre has experienced low demand for large-scale commercial office space. Compared with other districts in the ACT, Gungahlin has the lowest commercial floor space ratio of 0.2655m² per resident (2016). Tuggeranong has the second lowest with 1.73m² per resident, followed by Belconnen with 2.01m² and Woden with 5.20m² (2016).

The challenge to attract large-scale commercial office development began in the early stages of development of the town centre. In 2011, Variation to the Territory Plan No. 300 (Gungahlin Town Centre), introduced a number of planning requirements including prohibiting residential development in the Office Core precinct, located to the east of Kate Crace Street. This was on the basis of projections at the time that identified the potential need for 200,000m² of commercial office space to employ 10,000 people. The circumstances have changed, and planning controls and outcomes need to reflect these changes.

The Snapshot, in response to the reduction of demand for office space, recommended removing the restrictions on residential use, east of Kate Crace Street near the light rail corridor to allow development of a mixed-use precinct. This is intended to create a vibrant precinct and generate night-time activities and enable further development of the precinct.

The residential intensification in the town centre, particularly near public transport stops is consistent with the ACT Planning Strategy 2018. One of the key aims of the Planning Strategy is to deliver 70% of all new housing in Canberra within the existing urban area by concentrating development in urban intensification areas, such as close to the city centre, town and group centres and along key transit corridors. Gungahlin town centre is a location within the existing urban area for the purposes of residential intensification.

The draft variation proposes to reserve two blocks which can accommodate approximately 65,000m² of office space, adjacent to Flemington Road and east of Kate Crace Street, in the renamed Mixed Use East precinct, for future development of large-scale commercial offices. This is consistent with the recommendations of the Snapshot.

The draft variation does not preclude additional land within the precinct, or in fact from elsewhere within the town centre from being used for commercial office development. The Territory Plan defines office as a 'Non-Retail Commercial Use', which is permitted in all commercial zonings and by extension within all town centres. This has not changed as a consequence of the draft variation and would enable a higher level of office development if there is a need for this type of development.

It is considered prudent for the ACT Government to have a mechanism to be able to review and monitor the office development requirements to make sure that land is being utilised for its best purpose. Rule R44 is retained and its timeframe has been extended by a year from 1 January 2023 until 1 January 2024. Further consideration is warranted in four years and will be undertaken as part of the Government's annual land release program. Rule R44 has been amended to enable this timeframe to be changed via the Government's Indicative Land Release Program, which is released every year with the ACT Budget, rather than as formerly proposed 'by the relevant authority'.

2.2.4 Requirements for commercial uses at ground level should be removed from the Mixed Use North West Precinct 2b because it imposes additional financial pressure

Commercial requirements at ground level imposes additional financial pressure and will not be viable. There are many vacant commercial floor spaces in the centre.

Response

Precinct 1(b) is zoned by the Territory Plan as commercial CZ1 core and is bounded by Kate Grace Street, Efkarpidis Street, Gozzard Street and The Valley Avenue. Commercial requirements regarding active frontages on the ground floor in CZ1 zoned areas are consistent with the zone objectives of the Territory Plan. The activation of street frontages is important for passive surveillance and vibrancy of the town centre. No changes are proposed to Precinct 1b as part of this draft variation.

2.2.5 Provisions relating to driveway access and community facilities are unclear

It is unclear how the restriction on driveway access contained in rule R14 and criterion C14, which addresses driveway access (fig 8), will be interpreted and its relationship with rule R13.

Additional explanation is required regarding the mechanism that will enforce equivalent gross floor area for community facilities uses.

Response

Rule R14 and criterion C14 are separate to rule R13 and these provisions apply to different streets. Rule R14 intends to limit the vehicle entry and egress to and from certain streets to enhance the safety of active travel users and reduce interruptions to the collector road network.

Rule R1 stipulates the minimum area of community facility zoned land (CFZ land) in the part of Gungahlin Town Centre yet to be developed. Criterion C1 enables a community needs assessment to be used to further refine how the minimum area for community uses in the centre is provided. The community needs assessment will be a detailed study, that will explore the community needs for the whole of Gungahlin district and provide guidance about the type of community uses required, preferred locations and floor space. The assessment would recommend the required area of CFZ zoned land, as well as minimum floor areas for community uses to include within developments on land with a commercial zoning. The study will also identify suitable mechanisms to make sure that any community facility uses or gross floor area provision within a mixed use development in the east precinct will have sufficient safeguards to enable the long-term presence of the use.

Rule R1 and criterion C1 have been updated to clarify the requirements for a community needs assessment and the application of zoning and mixed use and multi use floor space.

2.2.6 Oppose the draft variation having interim effect because it is premature

There are concerns about the draft variation being placed on interim effect and the potential effects on development proposals that are either being prepared or are being assessed. The draft concept precinct code was not consulted with the community.

Response

An earlier version of the draft variation was publicly released in November 2018 with the Gungahlin Town Centre Planning Refresh Snapshot. This concept draft variation indicated how the planning recommendations arising from the planning refresh would be implemented (noting that the concept draft variation was for information purposes only). The concept draft variation was released almost one year before the statutory draft variation was released. This timeframe gave ample time for stakeholders and community to be aware the changes which would be proposed by the draft variation to the Territory Plan.

2.2.7 Restrictions on residential uses should only apply at ground level in Retail Core Mixed Use Precinct 1b. Current restrictions prevent ancillary residential uses at ground level

1. It is requested that residential uses are permitted on the second floor and the restriction on residential use should only apply to the ground floor.
2. Development which is ancillary to the residential uses, such as access lobbies will be restricted by this rule.

Response

1. Precinct 1b is zoned commercial CZ1 core and is bounded by Kate Crace Street, Efkarpidis Street, Gozzard Street and The Valley Way. The restriction on ground and first floor level uses is an existing requirement of the Territory Plan

which is consistent with the zone objectives. The requirement is not proposed to be changed as a part of the draft variation.

2. Development which allows access to upper storey residential uses is permitted at ground floor level and not restricted by the rule.

2.2.8 Active frontage requirements will have minimal effect in Mixed Use North West Precinct 2b

Active frontage requirements in Gribble Street will have limited effect on the streetscape as other blocks have already been developed.

Response

Constructed developments on Gribble Street have incorporated active frontages. The ground level uses are predominately commercial and/or retail with large windows facing the street frontage.

The 'at-grade' requirements have been removed from criterion C21 to provide greater flexibility and the 'Active Frontage - Partial' reference in rule R21 has been corrected.

2.2.9 Quantitative requirements are unsuitable for soft landscaping in communal open areas of residential developments

A numeric control was suggested to control landscaping for development with residential components. The landscaping requirements should be outcome oriented rather than quantitative.

Response

Agreed. To achieve better landscape outcomes, criterion C23 has been amended to change the quantitative control to a qualitative one.

2.2.10 Object to building envelope requirements in Retail Mixed Core Precinct 1b because they increase construction costs and reduce feasibility of development on smaller blocks

The application of building envelopes to developments incur additional costs, especially smaller blocks such as Gungahlin section 227 block 1 which has further restrictions, and projects struggle to be viable.

Rule R36 increases likelihood of building quality issues, negative impact on housing affordability and an increased cost of development.

Response

Gungahlin section 227 block 1 is smaller after it was subdivided (now blocks 2 and 3) as a result of a development application lodged by the lessee of the land. The planning and land authority approved the subdivision after being satisfied that the land parcels are capable of being developed as stand-alone blocks. The draft variation does not propose to change the building envelope provision for this precinct.

Rule R36 prescribes mandatory building envelope controls applying to the 1b Retail Core Mixed Use Precinct. Building envelope controls also apply to adjacent precincts 1a Retail Core and 4a Southern Transition. The majority of the blocks in these precincts are leased and have been developed. Any change in this provision would result in inconsistent built form and character of existing adjacent developments. Therefore, the Gungahlin Town Centre Planning Refresh did not propose any changes to the building envelope provisions for the precincts located to the west of Kate Crace Street. The Planning Refresh recommended replacing building envelopes with maximum building height (number of storeys) only for the Mixed Use East Precinct which is currently vacant and unleased.

2.2.11 Oppose requirements for public car parking

A future lessee should not be burdened by the need to provide public car parking as required by rule R12. Sites nominated in the draft variation for car parking will incur additional costs.

Response

The draft variation has not introduced any new public car parking requirements. It has only relocated the site for a public car park to a larger and more appropriately zoned block. That is, public parking is proposed to be relocated from Gungahlin section 229 block 3, which is zoned commercial CZ5 mixed use, to section 11 block 2 which is zoned commercial CZ1 core. Potential purchasers of the sites will be informed of the requirements for public car parking through sales documentation and the crown lease.

2.2.12 Support for proposed building heights in Precinct 2b – Mixed Use North West

Support the proposed building height in the precinct.

Response

Noted.

2.2.13 Concerns about building heights, clarity of development intention, and construction impacts in Precinct 2a – Mixed Use East adjacent to the existing residential area

Concern was raised about development in the Mixed Use East precinct as follows:

1. development intentions for eastern end of the town centre is unclear
2. the proximity of the ten storey building will adversely impact the amenity of the existing residential area near Hamer Street
3. potential negative effects of development (dust and noise) during the construction of new buildings.

Response

The development intentions for the eastern end of the town centre is for a mixed use precinct. It is intended that a range of uses would be possible, including

offices, residential and restaurants. For the next four years, blocks 3 and 5 section 231 will be exclusively reserved for office uses. After this period consideration will be given to the ongoing relevance of this provision via the ACT Government's Indicative Land Release Program.

The draft variation proposes to replace the existing building envelope controls with maximum building heights for the Mixed Use East precinct.

Previously, maximum building heights were influenced by the depth of the block and its associated building envelope. Building heights could range between six and twelve storeys from Flemington Road to The Valley Way and between six and eight storeys from Flemington Road and Anthony Rolfe Avenue.

Building heights are now proposed to be a maximum of eight storeys with some ten storey elements along Flemington Road and the light rail corridor, decreasing to six and three storeys towards the northern and southern boundaries of the precinct (see Figure 2).

Inevitably, construction works will generate noise and dust to some extent. Hours of work are regulated. Construction vehicles and access will be managed in accordance with a construction management plan.



Figure 2 Precinct 2a – Mixed Use East building heights (R47 refers)

2.2.14 Podium requirements for setback and articulation in the Mixed Use North West Precinct 2b will have no effect on improving streetscape

The new requirements for building podium, setback and articulation will have no effect to improve streetscape and activation because the precinct is mostly developed and will impose additional controls on built form outcome.

Response

Agreed. Rule and criterion 62 and rule R63 have been deleted, leaving criterion C63. Criterion C66 remains to provide articulated building form to reduce bulk and scale of development.

2.2.15 Application of some building design provisions should only apply to new development

Modifications to existing buildings adjacent to public transport stations such as the Gungahlin Marketplace will face difficulties.

Concerns about limiting land use to 200m² for shops.

Response

Agreed. Criterion C6 b) and g) were only intended to apply to new developments near public transport stations.

Consequently b) and g) were removed from criterion C6 and inserted into a new criterion C7 which only applies to new buildings and substantial redevelopments.

Rule R11 which specified land uses including limiting shops to 200m² near public transport has been removed. The corresponding criterion C11 (now C13) is retained and will allow flexibility of land uses.

2.2.16 Concerns about changes to requirements for active frontages in Precinct 1a – Retail Core

Rule R19 which applies to Hibberson Street (between Hinder Street and Kate Grace Street) should require active frontages consistent with the requirements prior to the draft variation.

Response

The active frontage diagram has been revised, to increase the activation on the corners of Hinder Street, Hibberson Street, Kate Grace Street and Flemington Road.

The Hibberson Street frontage between Hinder Street and Kate Grace Street is proposed to have predominantly partial active frontages and form a transition between the mandatory active frontages in Hibberson Street and Flemington Road that runs through Retail Core Precinct 1a and the Mixed Use East Precinct 2a. This will bring variation of streetscape character to the main street. It is noted that this is a minimum requirement.

2.2.17 Landscaping buffer between Hamer Street and Manning Clark Crescent should be improved

One submission suggested that the landscaped area between Hamer Street and Manning Clark Crescent could be enhanced with denser vegetation to provide a buffer to the town centre.

Response

The strip of land (block 2 section 234) is zoned parks and recreation PRZ1 urban open space. It has a number of mature trees, which provides a buffer between the northern side of Flemington Road and the town centre and residential area.

EPSDD notes the request for dense planting which is the responsibility of Transport Canberra and City Services (TCCS). The request has been forwarded to TCCS for its consideration.

2.2.18 Road hierarchy and active travel network plans should be reinstated

The draft variation has deleted the road network and active travel hierarchy plans that were previously in the precinct code and should be reinstated.

Response

The plans were deleted because the road network and road hierarchy has been constructed within the town centre, except the connection between The Valley Avenue and Gundaroo Drive (towards the south of the oval) and the access street along the linear park in the Mixed Use East Precinct. The Valley Avenue is not proposed to be extended to Gundaroo Drive due to it not being required from a road network perspective. The access street along the linear park will be considered further through future detailed subdivision design and planning for the Mixed Use East precinct. One additional road that was not shown in the precinct code, Camilleri Way, has been constructed towards the southern boundary of the town centre. As such, the plan is considered redundant and its deletion can assist to make the revised precinct code more user friendly and simpler to use.

Similarly, the active travel network consisting of cycle ways, pedestrian and shared paths have been constructed in accordance with 'Figure 4 Trunk Cycle network' of the original precinct code. As infrastructure development in east Gungahlin has been completed, the provision '2.2 Pedestrian and cyclist network' has also become redundant and has also been removed.

The proposed deletions were undertaken in consultation with, and are supported by, Transport Canberra and City Services (TCCS).

2.2.19 Inadequate stakeholder consultation

One submission questioned the adequacy of stakeholder consultation over the life of the Gungahlin Town Centre Planning Refresh – Snapshot.

Response

The planning refresh was initiated in late 2016 and consultation occurred between March and May 2017. The Gungahlin Town Centre Planning Refresh Snapshot

was released in late 2018 together with the 2017 consultation report and a concept draft variation indicating how the planning recommendations arising from the planning refresh would be implemented (noting that the concept draft variation was for information purposes only). The resulting draft variation 364, which implements the Gungahlin Town Centre Planning Refresh, was released for public consultation in 2019.

A range of engagement activities were undertaken to support each stage of the planning refresh. Community engagement included:

- Your Say website: www.yoursay.act.gov.au/gungahlin-town-centre-planning-refresh
- Meet the Planners, 8 March 2017
- a stakeholder workshop, 4 May 2017 and 15 May 2017
- a 'Planning in the Pub' session, 11 April 2017
- youth engagement events, March and April 2017
- quick polls, 3-16 March 2017 and 17 March - 17 April 2017
- accepted email submissions
- Gungahlin Community Council meeting, 12 April 2017

Further details are contained in the Gungahlin Town Centre Planning Refresh – Community Engagement Report 2018: www.planning.act.gov.au/planning-our-city/planning-projects/master-plans/gungahlin-town-centre-planning-refresh

2.2.20 Description of the Gungahlin Town Centre should be retained

The description of the town centre under Additional Rules and Criteria RC1 Gungahlin Town centre "...major hub of the development, shopping, social activities and public transport particularly serving suburbs within the Gungahlin district", should not be deleted.

Response

The description of the town centre has been reinstated. It is noted that the description serves no statutory purpose other than to assist in defining the town centre and its physical extent within the suburb of Gungahlin.

2.2.21 Impact of intensification on infrastructure

The draft variation does not address the upgrade of infrastructure such as the road network, active travel and urban open spaces in response to the residential intensification.

Response

The concern is noted. The draft variation predominately focuses on new and revised building controls for undeveloped areas at the eastern edge of the town centre. Other areas are mostly developed. The Territory Plan is a key statutory planning document which manages land use change and sets development

requirements. Projects such as infrastructure upgrades, including improvements to public open spaces, are undertaken by relevant government agencies under capital works projects.

2.2.22 There are some typographical errors in the proposed Gungahlin precinct code

Response

Typographical errors have been corrected, where applicable.

3. SUMMARY OF CHANGES TO THE DRAFT VARIATION FOLLOWING CONSULTATION

3.1.1 Summary of changes to the draft variation in response to public consultation

Topic	What has changed?
Town centre description	Reinstated
Community facilities requirements	Clarified to better indicate the requirements of a community needs assessment and to explain how zoning and floor space of mixed use and multi use can be implemented and requirements to make sure these uses will continue.
Built form, criterion C6	Created a new criterion C7 for two items (C6 b) and g) which now only apply to new development or substantial alterations).
Uses adjacent to public transport stops	Deleted rule R11.
Multiple active frontages	Criterion C19 has been introduced to clarify requirements for multiple active frontages indicated in figure 9.
Active frontage adaptable, built form, ground floor requirements	Clarification of rule and criterion 20.
At-grade access	Clarification to rule and criterion 21 that public access is not required to be at-grade.
Landscaping requirements	Change criterion C23 to make the requirement for soft landscaping qualitative rather than quantitative.
Building envelope, Figure 12	Road names removed to indicate that it is only an example and does not relate specifically to Hibberson Street
Podium height and setback	Former rule and criterion 62 and rule R63 have been deleted because the requirements for podiums have little relevance as the majority of sites in this precinct have already been developed. Criterion C66 (formerly criterion C63) which requires articulated building form has been retained.

Changes and corrections	Some submissions correctly identified errors in numbering and figure references and these have been corrected.
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3.1.2 Other changes following public consultation

Provision	What has changed?
Rule R2	Correction to figure numbers and corrected reference to ACT Fire and Rescue.
Criterion C9	New criterion to make sure that there are no extensive lengths of blank facades.
Rule R10	Minor wording change to clarify.
Rule R14	Minor change to the reference to the Territory agency responsible for parking policy
Criterion C16 c)	Minor wording change to improve readability.
Rule and criterion 21	Wording change to clarify applicability to 'Active Frontage - Partial'.
Figure 9 active frontage requirements	Amendment to active frontage requirements to mandate active frontages on some street intersections with Flemington Road.
Rule R43 note	Wording changed to clarify.
Rule R44	Change to applicability date from 2023 to 2024 and stating that any extension to the timeframe would be nominated by the ACT Government's Indicative Land Release Program.
Rule R45	Clarification
Rule R47	Updates, clarification and inclusion of height of buildings in metres. Added criterion C47 to allow an additional two storeys in area 'a'.
Criterion C48	New criterion to reduce detrimental impacts of overshadowing and amenity of adjacent residential developments.
Figure 14	Clarification
Criterion C50	New criterion to clarify that non residential building elements can be located within the 4m setback if they contribute to streetscape character.
Rule R55	Noted that the main pedestrian route is identified in figure 11.

Rule R58	Clarification
Criterion 59 c)	Clarification
Rule R61	Clarification
Criterion C62	Correction
Rule R64	Updates, clarification and inclusion of <i>height of buildings</i> in metres.
Figure 16	Correction and introduction of areas.
Criterion C65	New criterion to reduce detrimental impacts of overshadowing and amenity of adjacent residential developments.
Criteria C76 and C78	Corrected all references to <i>single dwelling blocks</i> to <i>standard blocks</i> . This change was implemented via variation 350.
Changes and corrections to structure and the numbering of rules, criteria and figures	Consequential changes.

4. COMPLIANCE WITH THE PLANNING AND DEVELOPMENT ACT 2007

4.1 Release for Public Comment (section 63)

Draft variation 364 was made available for public comment from 30 September 2019 to 18 November 2019 and a consultation notice under section 63 of the *Planning and Development Act 2007* was published on the ACT Legislation Register on 30 September 2019 and a public notice was published on the ACT Government website.

4.2 Mandatory agencies (section 61 (b))

The comments from the NCA, the Conservator of Flora and Fauna, EPA, the ACT Heritage Council and SLA, were received and assessed prior to release of the draft variation for public comment. The comments from these agencies are detailed in full, along with responses in the public consultation version of the draft variation at ***Appendix 1***.

4.3 Notice of Submission to the Minister (section 70)

In accordance with section 70 of the *Planning and Development Act 2007*, a public availability notice will be placed on the ACT Legislation Register stating that the draft variation has been submitted to the Minister and that the documents are available for public inspection. A public notice will also be placed on the ACT Government website.

5. APPENDICES

Appendix 1 – Draft variation 364 public release version

Appendix 2 – Copies of public comments received on draft variation 364

APPENDIX 1
Draft variation 364 public release version

APPENDIX 2

Copies of public comments received on draft variation 364

Planning and Development (Draft Variation No 364) Consultation Notice 2019

Notifiable instrument NI2019—641

made under the

Planning and Development Act 2007, s 63 (Public consultation—notification) and s 64 (Public consultation—notice of interim effect etc)

1 Name of instrument

This instrument is the *Planning and Development (Draft Variation No 364) Consultation Notice 2019*.

2 Draft variation to the Territory plan

The planning and land authority (the **Authority**) has prepared a draft plan variation No 364 – Gungahlin Town Centre (the **draft variation**) to vary the Territory Plan. The draft variation incorporates the recommendations of the Gungahlin Town Centre Planning Refresh into the Territory Plan to provide guidance on the desired built form and character of the centre as it develops into the future.

3 Documents available for public inspection

- (1) The Authority gives notice that the following documents are available for public inspection and purchase:
 - (a) the draft variation; and
 - (b) the background papers relating to the draft variation.
- (2) Copies of the documents mentioned in section 3 (1) are available for inspection and purchase at Access Canberra Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm for the period commencing on the day this notice commences and ending on 18 November 2019 (the **consultation period**).
- (3) Copies of the documents mentioned in section 3 (1) are also available for inspection during the consultation period online at <http://www.act.gov.au/draftvariations>

4 Invitation to give written comments

- (1) The Authority invites written comments about the draft variation during the consultation period. Comments should include reference to the draft variation and be addressed to the Territory Plan Section of the Environment Planning and Sustainable Development Directorate

(**EPSDD**). Please also provide your name and contact details to assist in the assessment of the comments provided and to enable the Authority to contact you in relation to your comments, if required.

- (2) Written comments should be provided to the Authority by:
- (a) email to terrplan@act.gov.au; or
 - (b) mail to Territory Plan Section, EPSDD, GPO Box 158, Canberra, ACT 2601; or
 - (c) hand delivered to Access Canberra Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson.

Note All personal information will be managed in accordance with the *Information Privacy Act 2014* and the *EPSDD Information Privacy Policy* which are available through the EPSDD website.

5 Public inspection of written comments

- (1) Copies of written comments about the draft variation given in response to the invitation in section 4, or otherwise, or received from the National Capital Authority will be available (unless exempted) for public inspection for a period of at least 15 working days starting 10 working days after the day the consultation period ends, at Access Canberra Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm and may be published on the EPSDD website at www.planning.act.gov.au.
- (2) You may apply under section 411 of the *Planning and Development Act 2007* (the **Act**) for part of your consultation comments to be excluded from being made available to the public. A request for exclusion under this section must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria. Please note that your name and contact details and other personal information will not be made public unless you request otherwise.

6 Effect of the Draft Variation

- (1) Section 65 of the Act applies to the draft variation. This means that the Territory, the Executive, a Minister or a territory authority must not, during the defined period, do or approve the doing of anything that would be inconsistent with the Territory Plan if it were varied in accordance with the draft variation.
- (2) In this section:
- defined period** means the period starting on the day this notice is notified (the **notification day**) and ending on the earliest of the following days:
- (a) the day the public availability notice for the Draft Variation, under section 70 of the Act, is notified;
 - (b) the day the draft variation, or the corresponding plan variation, is withdrawn under section 68 (1) (b) or section 76 (2) (b) of the Act;
 - (c) the period of 1 year after the notification day ends.

7 Obtaining further information

Further information about the draft variation can be obtained through email correspondence with the Territory Plan Section, EPSDD, at terrplan@act.gov.au, a reference to the draft variation should be included in any email.

8 Dictionary

In this instrument:

draft plan variation No 364 – Gungahlin Town Centre Amendments to the Gungahlin precinct map and code means the draft plan variation in Schedule 1.

Carolyn O'Neill
Delegate of the planning and land authority
27 September 2019



ACT
Government

Environment, Planning and
Sustainable Development

Schedule 1

Planning and Development Act 2007

Draft
Variation to the
Territory Plan
No 364

Gungahlin Town Centre
Amendments to the
Gungahlin precinct map and code

October 2019

Draft variation for public consultation prepared
under s60 of the *Planning and Development Act 2007*

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1. INTRODUCTION

1.1 Summary of the Proposal

The draft variation incorporates the recommendations of the Gungahlin Town Centre Planning Refresh into the Territory Plan to provide guidance on the desired built form and character of the centre as it develops.

The draft variation proposes to:

- Permit residential uses in the Gungahlin East precinct
- Retain 65,000m² for large-scale commercial offices
- Introduce maximum building heights in the Gungahlin East and North West precincts
- Introduce minimum heights of buildings fronting Flemington Road and the northern side of The Valley Avenue
- Provide flexibility in the location of community facilities
- Amend the names and boundaries of sub-precincts
- Include provisions for relocating a public car park
- Improve requirements for urban parks, active travel, and the public domain

Other provisions contained in the draft variation are intended to guide future development in the town centre and to promote high quality design outcomes. These include provisions for active frontages, awnings, podium and upper floor level setbacks, landscaping, noise management, driveway access, building heights, and the linear park.

1.2 Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the Act) establishes the planning and land authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary. The functions of the planning and land authority are administered by the Environment, Planning and Sustainable Development Directorate (EPSDD).

The Territory Plan is comprised of a written statement and a map. The written statement contains a number of parts, namely governance; strategic directions; zones (including objectives and development tables and zone or centre development codes); precinct codes; general codes; overlays; definitions; structure plans, concept plans and development codes for future urban areas.

The Territory Plan Map graphically represents the applicable land use zones (under the categories of residential, commercial, industrial, community facility, urban parks and recreation, transport and services and non-urban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the Territory Plan.

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period the EPSDD submits a report on consultation and a recommended final variation to the Minister responsible for planning for referral to the Legislative Assembly standing committee responsible for planning. The Minister must consider the findings of the committee before deciding whether to approve the draft variation.

If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

1.3 Public Consultation

Written comments about the draft variation are invited from the public by **18 November 2019**.

Comments should include reference to the draft variation and be addressed to the Territory Plan Section. Please also provide your name and contact details to assist in the assessment of the comments provided, and to enable EPSDD to contact you in relation to your comments, if required. Your personal information will be managed in accordance with the *Information Privacy Act 2014* and the EPSDD Information Privacy Policy, which is available for viewing on EPSDD's website.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- delivered to the Access Canberra Customer Service Centre at 16 Challis Street, Dickson

Copies of written comments will be made available for public inspection for no less than 15 working days starting 10 working days after the closing date for comment. The comments will be available at the Access Canberra Customer Service Centre in Dickson and may be published on EPSDD's website. Comments made available will not include personal contact details unless you request otherwise.

A request may be made for parts of a submission to be excluded under section 411 or 412 of the *Planning and Development Act 2007*. A request for exclusion under these sections must be in writing, clearly identifying what parts of your submission you are seeking to exclude and how the request satisfies the exclusion criteria.

Further Information

The draft variation and background documents are available online at **www.act.gov.au/draftvariations** until the closing date for written comments.

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase at the Access Canberra Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

2. EXPLANATORY STATEMENT

2.1 Background

The draft variation seeks to implement the recommendations of the Gungahlin Town Centre Planning Refresh – Snapshot. The refresh has been prepared as part of the ACT Government initiative to review planning controls for the town centre due to the way the centre has developed in the last decade.

The planning refresh commenced in 2017 and included several community engagement sessions with residents, business owners and other users of the centre. The feedback provided by the community during the refresh process has informed the recommendations included in the snapshot, which forms the basis of this Territory Plan variation.

2.2 Site Description

The subject area is the Gungahlin Town Centre. It is bound on the north-west by Gundaroo Drive, the south-west by Gungahlin Drive, Anthony Rolfe Avenue to the north, Manning Clark Crescent to the east, and the Mulanggari Grasslands in the south.

Most of the proposed changes to the Gungahlin Town Centre precinct map and code are for the East and North West precincts (Figure 1).

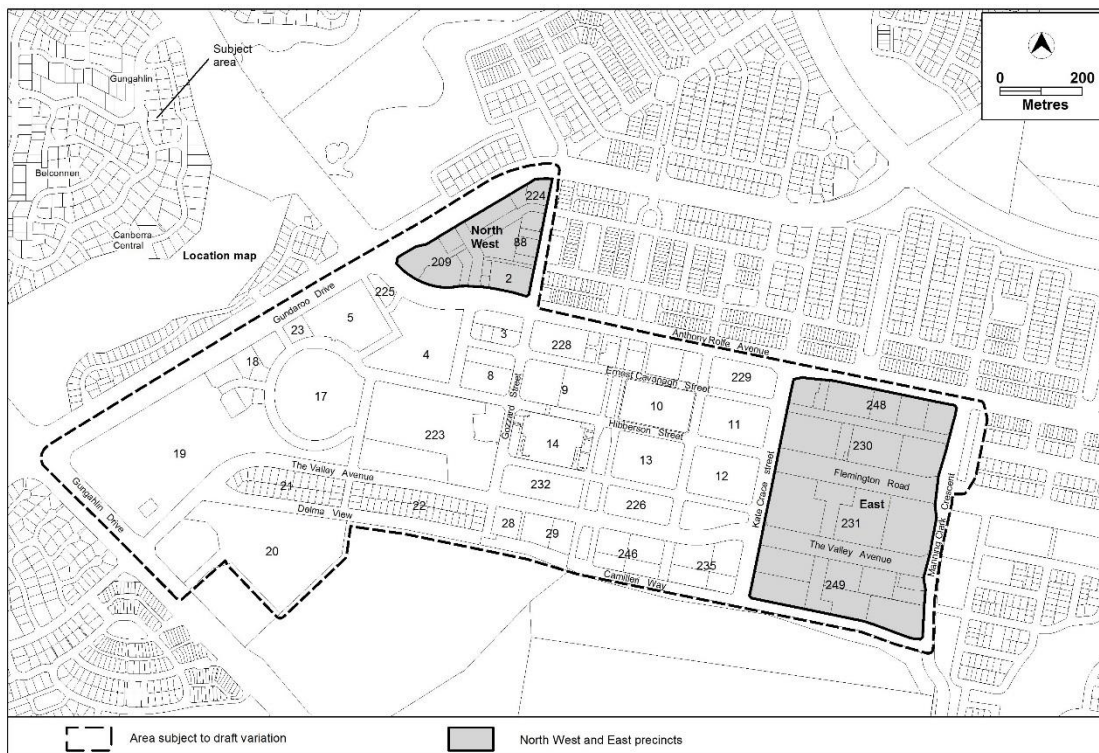


Figure 1 Subject area

2.3 Proposed Changes to Territory Plan

It is proposed to amend the Gungahlin precinct code by:

- Permitting residential use in the Gungahlin East precinct.
- Replacing some building envelope controls with maximum building heights in storeys.
- Retaining 65,000m² for large scale commercial offices
- Introducing maximum building heights in the Gungahlin East and North West precincts
- Introducing minimum building heights in the Gungahlin East precinct
- Providing flexibility in the location of community facilities
- Changing the names and boundaries of sub-precincts within the town centre
- Relocate nominated public car park from block 2 section 229 to block 2 section 11 (between Ernest Cavanagh Street and Hibberson Street)
- Improving requirements for parks, active travel, and the public domain

2.4 Reasons for the Proposed Draft Variation

The draft variation implements the recommendations of the Gungahlin Town Centre Planning Refresh – Snapshot, November 2018.

The reasons for the draft variation are as follows:

- Promote a greater mix of uses in the town centre including residential uses.
- To provide opportunities for retail and convenience services adjacent to the Flemington Road (Manning Clark Crescent) light rail station.
- To improve the public domain and active travel.
- To reserve land for large scale commercial offices.
- To amend precinct descriptions to better reflect changes which allow mixed use development.
- Provide certainty on building heights.

Maximum building heights for the Mixed Use East precinct were shown in the concept variation to the Territory Plan, which was released as Appendix A of the Gungahlin Town Centre Refresh – Snapshot.

A height limit of 3 storeys was identified for whole sections that front Camilleri Way. It is proposed to increase the height limit from 3 storeys to 6 storeys for a depth of 35m on the northern side of these sections.

The increased height limit will permit improved articulation across the precinct and provide a more uniform stepping down of building heights from Flemington Road to the south. A maximum 3 storey building height limit will be retained along and fronting Camilleri Way to provide for a human-scale street facade and is consistent with the recommendations in the Snapshot.

2.5 Planning Context

2.5.1 National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The *Planning and Land Management Act 1988* also required that the Territory Plan is not inconsistent with the NCP.

2.5.2 Territory Plan

Statement of Strategic Directions

The proposal is consistent with the Territory Plan's statement of strategic directions in terms of environmental, economic and social sustainability and spatial planning and urban design principles.

1.10 *Integrated land use and transport planning will seek to maximise accessibility and transport efficiency, prioritise active travel, reduce energy consumption, increase physical activity, support the preferred pattern of development, promote safety, safeguard environmental quality, and minimise greenhouse gas emissions.*

The draft variation is consistent with this principle as it encourages active travel through active frontages and mixed use development close to light rail and other public transport.

2.3 *Commercial and retail activity will be concentrated in centres and other planned nodes of intensive activity that are well served by public transport to*

ensure an efficient pattern of development. Primary emphasis will be placed on strengthening and enhancing existing and new centres and nodes, including improved urban design and encouragement of more mixed-use development.

The draft variation is consistent with this principle as it encourages commercial development in the undeveloped area of the town centre which is well served by public transport. The draft variation aims to strengthen the viability of the centre through improved urban design and providing opportunities for additional mixed use development within the town centre.

2.6 *Higher density development will be encouraged within and near major centres, and in other suitable locations that are well served by public transport.*

The draft variation is consistent with this principle through the encouragement of development within the town centre, which is well served by public transport.

2.6 Interim Effect

Section 65 of the *Planning and Development Act 2007* applies to the draft variation. This means that the provisions of DV364 have interim effect, and apply to development applications lodged on or after **23 August 2019**.

During the period of interim effect the ACT Government must not do or approve anything that would be inconsistent with the Territory Plan as if it were amended by the draft variation. Where there is an inconsistency between provisions in the current Territory Plan and provisions in the draft variation, then the draft variation takes precedence for the extent of the inconsistency.

Interim effect will end on the day the earliest of the following happens:

- i. the day the public availability notice under section 70 for the draft variation being recommended to the Minister is notified in accordance with the Legislation Act
- ii. the day the draft variation, or the corresponding variation, is withdrawn under section 68 (1)(b) or section 76 (3)(b)(v)
- iii. 1 year after the date of the consultation notice.

2.7 Consultation with Government Agencies

In preparing a draft variation under section 61(b), EPSDD is required to consult with each of the following in relation to the proposed draft variation:

- the National Capital Authority
- the Conservator of Flora and Fauna
- the Environment Protection Authority
- the Heritage Council and
- the Land Custodian - Suburban Land Authority, and Transport for Canberra and City Services

National Capital Authority

The National Capital Authority provided the following comments on 10 April 2019.

Thank you for the request for comment on Draft Variation 364, Gungahlin Town Centre Planning Refresh. The proposed changes to the Gungahlin Town Centre are not inconsistent with the land use for Urban Areas in the National Capital Plan. The NCA has no objections to Draft Variation 364.

Response

Noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 10 April 2019.

There are a number of registered trees located within precinct 2 which are not mentioned in the draft variation documents. They are PTR155-Group Gungahlin, PTR154 Gungahlin and PTR501 Gungahlin. It appears that most of these will be protected within the proposed linear park, however one is within an area slated for development. These trees have been identified as significant trees under the Tree Protection Act 2005 and have therefore been included on the ACT Tree Register. Criteria to ensure their protection should be included within the variation.

In addition, any works that are to be carried out in the tree protection zone (canopy plus 2 m) of these registered trees requires the development of a tree management plan that requires approval from the Conservator of Flora and Fauna.

There are also several inconsistencies within the document which could create confusion, including:

- *Figure 9 does not clarify boundaries of precinct areas 2a, 2b, 3a and 3b;*
- *Precinct 2b is listed as Mixed Use north East (pg 24) and Mixed Use North West (pg 42); and*

- *Figure 15 appears to be incorrect as it shows Precinct 3 but is referred to within rules for precinct 2b.*

I also note my support for the proposed linear park.

Response

The Territory Plan and its precinct codes do not identify registered trees. Legislation for the management of trees resides in the *Tree Protection Act 2005*.

Any development will be administered by the development application process and provisions under the *Planning and Development Act 2007*.

The identified inconsistencies have been corrected.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 4 April 2019.

The Environment Protection Authority (EPA) requires that an assessment of potential contamination be carried out for sites that will change to a more sensitive land use (rezoning from CZ to RZ or CFZ) or be rezoned from PRZ to any other zone. The contamination assessment must be carried out by a suitably qualified environmental consultant in accordance with the Contaminated Sites Environmental Protection Policy and EPA endorsed guidelines, to determine whether past activities have impacted the sites, and whether the sites are suitable for their proposed uses from a contamination perspective. The consultant's assessment reports into the sites' suitability must then be reviewed and endorsed by the EPA prior to the Territory Plan being varied.

Response

No rezoning is proposed. Zoning will be confirmed through the estate development planning process which will address any contamination issues.

Heritage Council

The Heritage Council provided the following comments on 23 May 2019.

The area covered by TPV 364 includes a number of places of Aboriginal and European heritage, including the ruin of the Valley Homestead, Chert quarries, and two potential Aboriginal places (culturally modified trees).

The Council notes that the changes to planning controls may increase the pressure on a potential Aboriginal place located within the Gungahlin Town Centre East development area. It further notes that the conditions imposed in the project's Development Approval included further assessment to clarify the heritage status of the place, which has not yet been undertaken. If, following completion of this assessment, it is confirmed that the potential site is an Aboriginal place, then further planning requirements would be sought by the Council for the protection of this place.

From review of the referral, the Council understands that the provisions of the Heritage Act 2004 will continue to apply; and the majority of the proposed planning changes are unlikely to have detrimental heritage impacts.

Subject to the note above, the Council endorses the proposed Territory Plan Variation 364.

Response

Noted. Heritage matters are addressed through the development assessment process, which includes the estate development planning process.

Land Custodian - Suburban Land Authority

The land custodian provided the following comments on 8 April 2019.

Gungahlin Precinct Map and Code

P10

(e) ensure retail activity is well distributed around the retail core ~~and future sites are viable through inclusion of an anchor store~~

This element was discussed at a meeting between SLA and EPSDD officers. The SLA position was that this provision should remain as there have not been any studies undertaken that suggest that this should be changed.

(n) ~~support a strong employment base in the district of Gungahlin Provide for a range of employment within the town centre~~

The SLA are interested to understand what commercial and retail studies have been undertaken that would show a change to Gungahlin Town Centre operating as commercial/retail hub over the next twenty years that would water down this provision.

P24

R13 – Driveway access. Canberra Metro has a Traction Power Station along Flemington Road that has an access driveway. Will this rule affect this access?

P27

R17 (c) Please clarify if this rule allows 70% blank walls if 30% of the wall is display, showcases or public art. I assume that the remaining 70% should not be a blank wall but a shop front. This should be made clear.

R19

Similar to R17 above

P31

The note requires rewording, remove the word “applies”.

P32 & 33

Figure 9 and list of precincts does not align. There is no precinct 2(a) or 2(b) shown on figure 9 for instance.

P45

R40 – Specify a depth to the portion to ensure there is a meaningful amount of office space. What was the rationale behind choosing blocks 3 & 5. Would blocks 3 & 4 work better to provide offices over cafes fronting the open space?

R41 - What is stopping a developer holding off construction until after 2023 and changing the requirement?

P46

R44 - The revised building heights appear to have reduced yield significantly in the GTC East area. I would be interested to see what studies have been undertaken to look into this. The building heights around the perimeter are very domestic in scale, this is a town centre after all. The space between the dwellings on the north of Anthony Rolfe Av. and the south allows for a meaningful step up in heights to the southern blocks, I would suggest 6 storeys. Agree with the symmetry of building heights along Flemington Road. This is an improvement to the built form outcome. Again the Valley Avenue, as the name suggests, is an avenue with a vast space between frontages. The building heights here should mirror those on Flemington Road. The block fronting Camilleri Way will not be overshadowing any other building to the south and therefore could increase in height to at least 6 stories.

P47

C50 – What provisions are in place to stop a developer sub-dividing a large block to bring them in under the threshold and not having to prepare a master plan even though they could still own and a large block made up of sub-divided smaller blocks.

P51

Figure 18 – Camilleri Way has been spelt incorrectly.

Response

No change is proposed to the requirement for an anchor tenant within the 1a Retail Core Precinct.

There have been some minor changes to the desired planning outcomes in the proposed Gungahlin precinct code. This is to reflect the historical trend of commercial office supply in the town centre in line with the revised target of office floor space proposed by the Gungahlin Planning Refresh. The analysis of commercial floor space supply in the Gungahlin town centre compared with other town centres is published in the Gungahlin Town Centre Planning Refresh. Employment opportunities are maintained as commercial zones will be unchanged. Additionally, land will be reserved for future large scale office development.

Access to the Traction Power Station will not be affected as the provision will not apply retrospectively. The provision has been amended to allow access for transport and utility infrastructure

Blank walls cannot be more than 30%. The provision has been revised for clarity

Blocks 3 and 5 were chosen based on good solar access to the ground level and verge (southern side) and public open spaces. Block 5 is also adjacent to the light

rail station and will be beneficial for office commuters. Under the Territory Plan, offices are permitted in CZ2 sites, which is in addition to the two mandatory office sites.

Any revised depth of the block for future office spaces is subject to development/subdivision proposals to demonstrate that a suitable development can take place within the land area and contribute to the revised target of the office floor spaces proposed in Gungahlin Town Centre Planning Refresh.

The revised wording in relation to the timing of construction, will ensure control by the authority on the type of development. The provision allows the time to be extended if necessary, subject to the supply of commercial floor spaces.

The revised building heights do not change overall yield significantly. The change of height has been in response to community concerns about building height transparency and certainty. The building heights nominated were informed through 3D modelling. The concept includes building heights along the light rail corridor and on the town centre periphery. Nominated building heights are consistent with the publicly released snapshot in November 2018.

It is proposed that only development directly fronting Camilleri way will be a maximum of 3 storeys, not 50% of the block's depth, as originally indicated.

Any subdivision of blocks with more than 10,000m² will require the preparation of a master plan under the proposed changes.

Mapping and typographical errors have been corrected.

Land Custodian – Transport Canberra and City Services

The land custodian provided the following comments on 12 April 2019.

With proposed densification and intensity of traffic generation from the proposed changes to the existing Territory Plan map will require traffic study which should show that the intersections and road way have the capacity. The proposed Plan changes will need to address traffic generation/parking requirements/access/loading/accessibility.

DV 364, Figure 4 shows the densification with proposed building height in Gungahlin East between the Manning Clarke Crescent, Kate Crace Street, Camilleri Way and Anthony Rolfe Avenue. However, the development type showing GFA for office, retail, others, and residential dwellings with daily trip generation is not shown.

The Planning Refresh study generally including the Place Audit Criteria for enhancing public spaces (page 15) TCCS suggests it could be expanded to more directly security and surveillance (CPTED/crime) aspects as well.

The scoping documents refer to the usage of large street trees, which require adequate space and soil volumes to fulfil their desired outcome and any planning for street trees within the Gungahlin town centre requires consideration of Municipal Infrastructure Standard 25 to select suitable tree species for each location.

Response

Further densification is not specifically being proposed through the draft variation. Building heights are adjusted rather than increased. For example, maximum building height is 8 storeys (with corner 10 storey element), as opposed to 12 or more storeys as currently permitted by the Territory Plan.

A preliminary traffic study has been undertaken in consultation with Transport Canberra and City Services (TCCS), to understand the impact of the proposed changes through the introduction of residential uses within the CZ2 zone in Gungahlin East. Residential development is currently prohibited in this area but permitted for commercial office and related development, up to the building height specified above. The traffic study was undertaken using Canberra Strategic Traffic Modelling. The transport modelling found that high levels of vehicle traffic already use the arterial road network for inter-district travel and that the potential for increased residential growth within the town centre in the short and medium term will not significantly add to these issues.

Detailed traffic modelling was not undertaken due the construction works underway (e.g. light rail, estate works and other capital works including arterial road duplications) either within or nearby to the town centre. It is expected that a detailed traffic study will be conducted at later phase of the development cycle.

In relation to building heights along Flemington Road, shown in figure 4 of the draft variation, the heights are not necessarily intensifying development from that of the current Territory Plan or what has previously been approved through the Gungahlin east estate development plan. Under the current provisions, buildings can be around 12 storeys in height in each section. The proposed building heights and related gross floor area yields were inserted and tested in the traffic modelling.

Details of the place audit have now been agreed with TCCS.

The selection of appropriate street trees will be assessed through the estate development planning process.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan written statement

The Territory Plan written statement is varied as follows:

Variation to the Gungahlin precinct map and code

1. Gungahlin precinct map and code

*Substitute the Gungahlin precinct map and code with **Attachment A**.*

Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna t'interpretu, ċempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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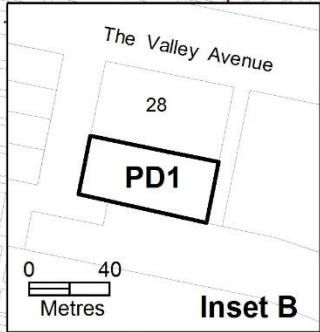
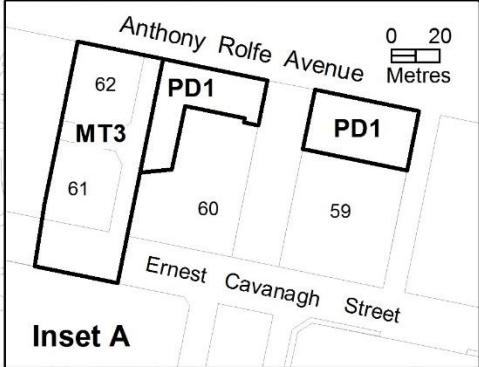
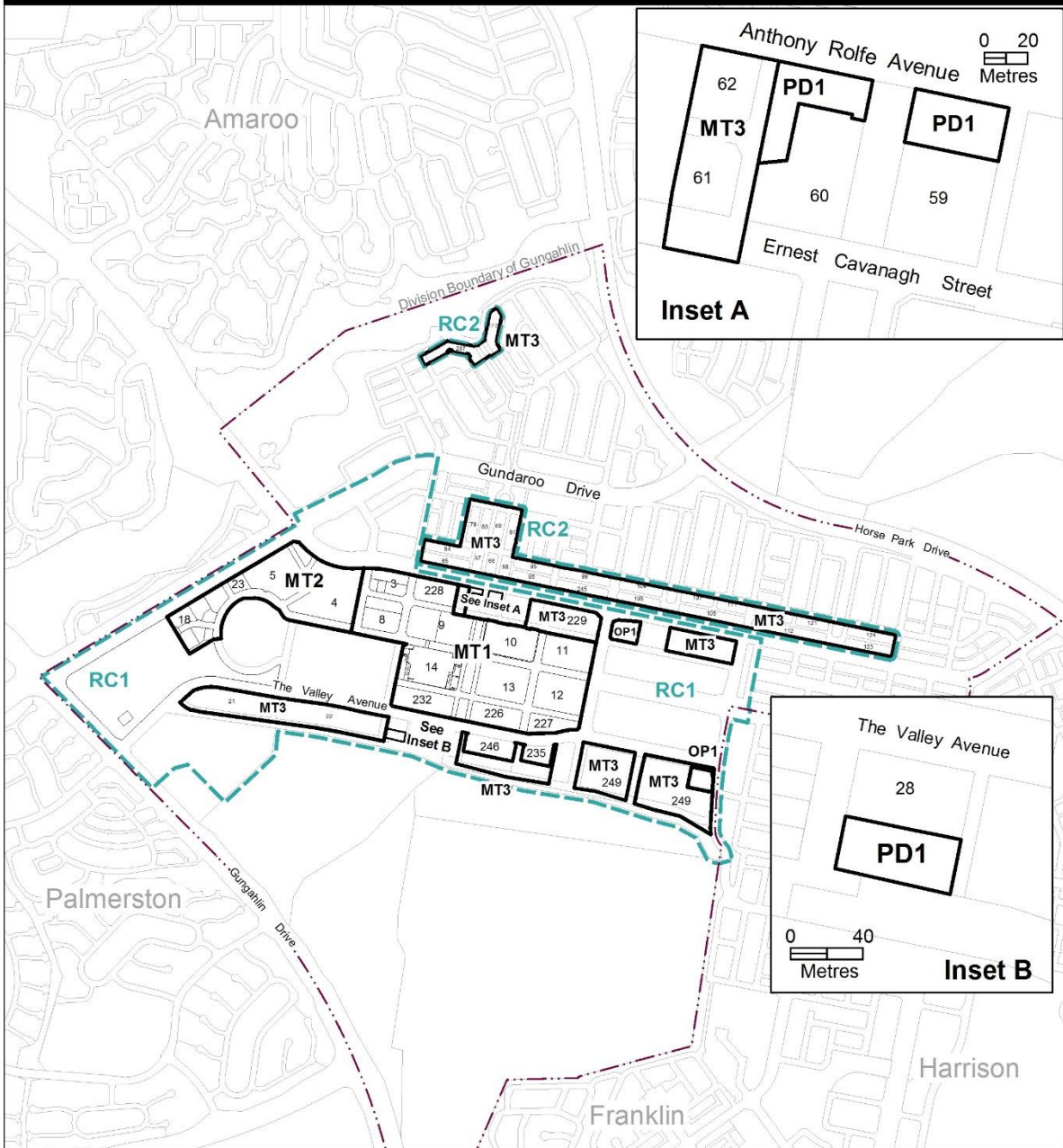
Gungahlin Precinct Map and Code

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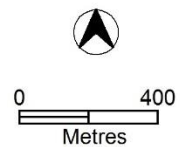
Gungahlin Town Centre

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Gungahlin Precinct Map



- PD_n** Additional prohibited development applies see Table 1
- MT_n** Additional merit track development applies see Table 2
- OP_n** Ongoing provisions apply see Gungahlin Precinct Code
- RC_n** Additional rules and criteria apply see Gungahlin Precinct Code



Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Gungahlin Precinct Map (identified as PDn or MTn). Development that is exempt from requiring development approval, other prohibited development and the minimum assessment track applicable to each development proposal is set out in the relevant zone development table.

The following tables constitute part of the relevant zone development table.

Table 1 – Additional prohibited development

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CFZ	<i>retirement village supportive housing</i>

Table 2 – Additional merit track development

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	CZ1	<i>produce market</i>
MT2	CZ3	<i>correction facility</i>
MT3	CZ5	<i>craft workshop drink establishment indoor entertainment facility tourist resort</i>

Gungahlin Precinct Code

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Introduction

Name

The name of this code is **Gungahlin Precinct Code**.

Application

The code applies to the Division of Gungahlin.

Purpose

This code provides additional planning, design and environmental controls for specific areas or blocks and may also contain references to provisions in other codes.

In conjunction with other relevant codes it will be used by the *Authority* to assess development applications and offer guidance to intending applicants in designing development proposals and preparing development applications.

Structure

This code contains additional rules and/or criteria for particular blocks or parcels identified as areas RCn on the precinct map, to be read in conjunction with the relevant development code. It may also contain sub-parts.

Each element has one or more rules and, unless the respective rule is mandatory, each rule has an associated criterion. Rules provide quantitative, or definitive, controls. By contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules are accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” is found where a criterion only is applicable.

Code hierarchy

Under the *Planning and Development Act 2007*, where more than one type of code applies to a development, the order of precedence if there is inconsistency of provisions between codes is: precinct code, development code and general code.

If more than one precinct code applies to the site, the most recent precinct code takes precedence to the extent of any inconsistency.

Definitions

Defined terms, references to legislation and other documents are italicised.

Definitions of terms used in this code are listed in part 13 of the Territory Plan or, for terms applicable only to this code, associated with the respective rule.

Acronyms

EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
EPSDD	ACT Environment, Planning and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TCCS	ACT Transport Canberra and City Services

Additional rules and criteria

This part applies to blocks and parcels identified in the Gungahlin Precinct Map (RCn). It should be read in conjunction with the relevant zone development code and related codes.

RC1 – Gungahlin Town Centre

This part applies to blocks and parcels identified in area RC1 shown on the Gungahlin Precinct Map. RC1 includes the Gungahlin Town Centre. Figure 1 identifies the RC1 area in greater detail.

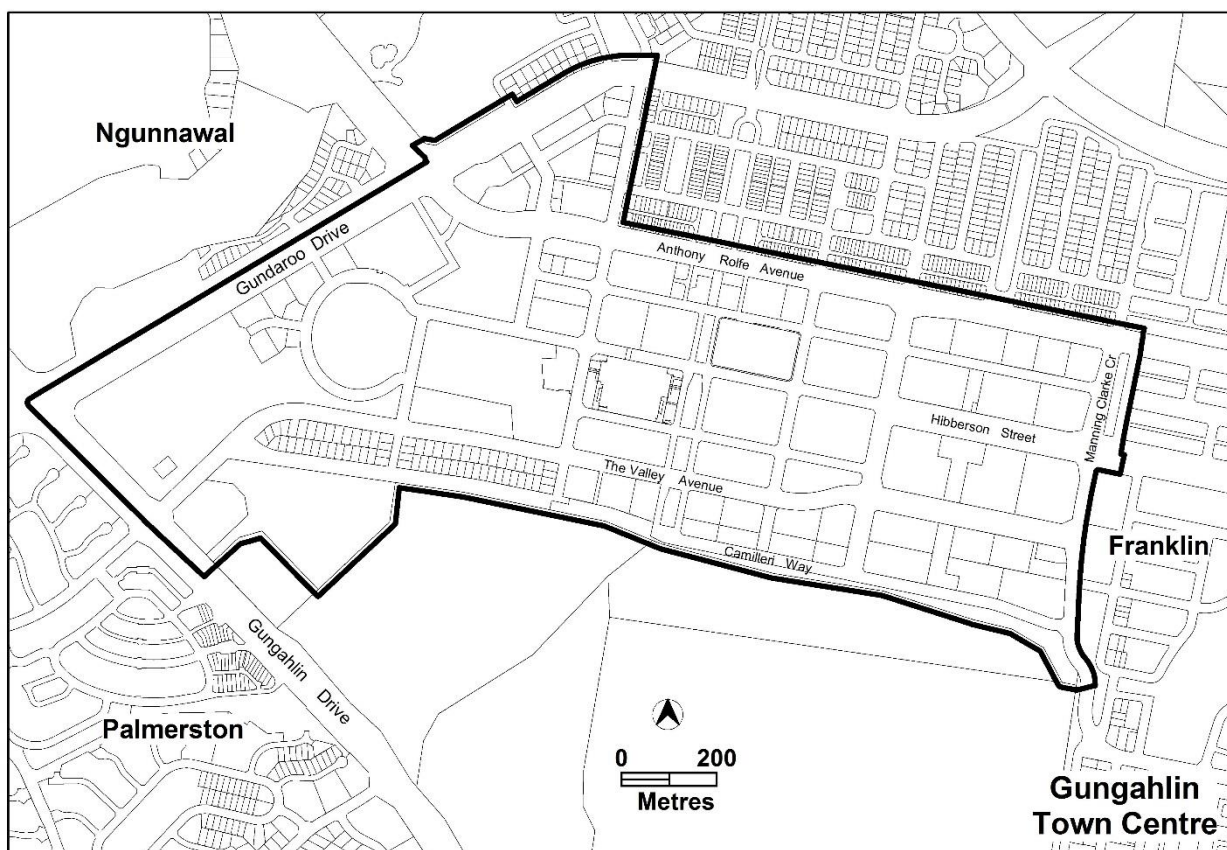


Figure 1 RC1 Area – Gungahlin Town Centre

Purpose

The purpose of the provisions relating to the Gungahlin Town Centre (RC1) is to:

- guide the design and assessment of *estate development plans* (subdivision proposals) in **Gungahlin Town Centre**
- inform the allocation of final zones at the time when a parcel of land ceases to have a future urban area (FUA) overlay (refer to note below) following subdivision
- guide the development of individual *blocks* in concert with other relevant codes under the *Territory Plan*
- support zone objectives and assessable uses in the development tables
- guide the development and management of the public realm.

A future urban area (FUA) overlay on the Territory Plan map identifies land that has yet to be developed. The final zoning, while generally indicated on the Territory Plan map, will be set after *an estate development plan* has been approved in accordance with the provisions of a relevant precinct code.

Desired planning outcomes

The intent of the development controls is to:

- (a) provide a mix of land use types and densities
- (b) provide opportunities for people to live, work and recreate which delivers environmental, social and economic benefits for the community
- (c) balance and protect residential amenity with the commercial uses
- (d) provide a safe and vibrant night time economy
- (e) ensure retail activity is well distributed around the retail core and future sites are viable through inclusion of an anchor store
- (f) promote social inclusion through providing accessible commercial and community facilities
- (g) provide a structure to the town centre that is robust, while recognising the changing needs of the town centre
- (h) continue the 'main street' character to Hibberson Street that promotes quality of public realm and a 'human scale' to the built form
- (i) provide public spaces and a street network that promotes pedestrian movement, particularly along Hibberson Street and Gungahlin Place
- (j) provide opportunity for a variety of public transport
- (k) build upon the distinct public domain character and provide opportunity for variety and change in the public realm
- (l) encourage flexibility and innovation in design of the built form and open space
- (m) provide a street network designed for low vehicle speeds and easy pedestrian access
- (n) provide for a range of employment within the town centre
- (o) design of buildings, infrastructure and public realm spaces to reflect needs of a changing climate.

Part A – General Development

The following elements apply to the future urban area within the Gungahlin Town Centre. This part applies to blocks and parcels identified in area RC1 shown on the Gungahlin Precinct Map. RC1 includes the Gungahlin Town Centre.

Element 1: Land use zones

Rules	Criteria
<p>R1</p> <p>A minimum of 3.8 hectares of land is provided with a community facility zone within the area shown in Figure 2.</p>	<p>C1</p> <p>An alternative provision for community facilities within the area indicated within Figure 2 may be provided on the basis of a community needs assessment approved by the Authority.</p> <p>Alternative provision relates to community facilities being provided as equivalent floor space within a mixed use development rather than site area and/or in another location within the area indicated in Figure 2.</p> <p>Note: Community Need Assessment will identify proposed community uses as either land area or equivalent floor space area within a mixed use development and their location to meet the needs of Gungahlin District including the suburb.</p>

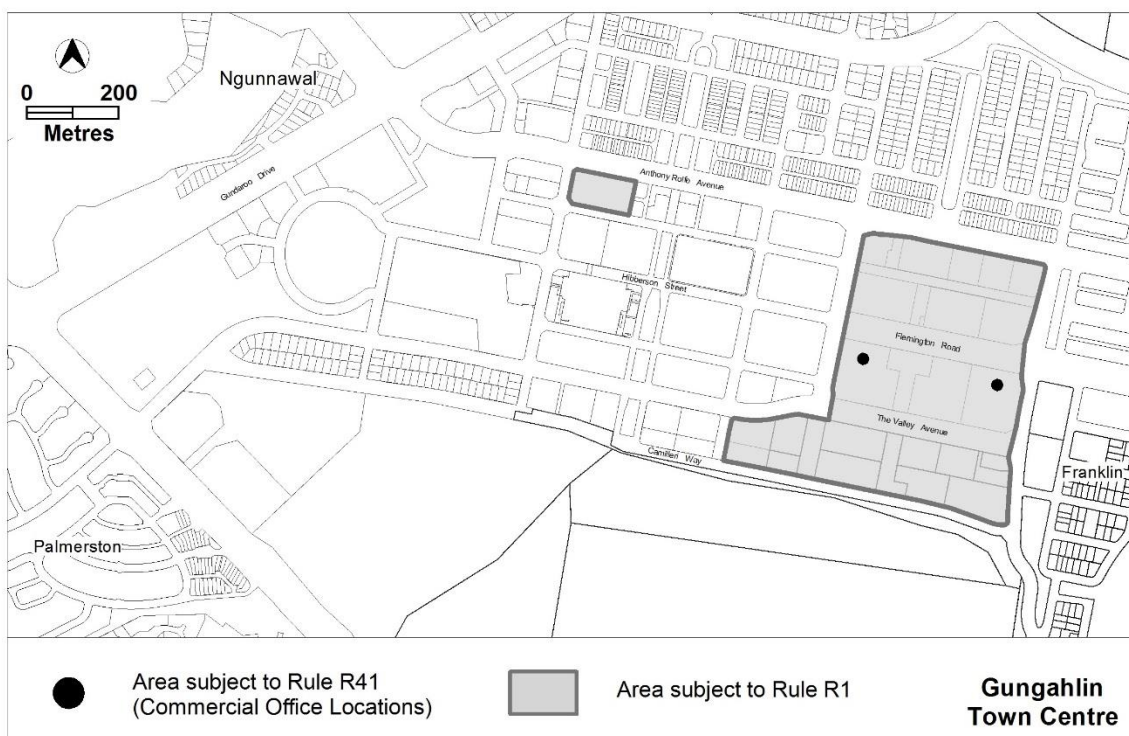


Figure 2 Location of land available for zoning as Community Facility CFZ zone

Element 2: Bushfire protection

Rules	Criteria
2.1 Bushfire protection	
<p>R2</p> <p>Development in Area A complies with all of the following (see figure 3):</p> <ul style="list-style-type: none"> a) Any development in Area A complies with <i>Planning for Bushfire Risk Mitigation General Code</i> b) A perimeter road is to be provided along the southern edge of Area A. All roads constructed within this area need to comply with ACT Fire Brigade standards c) Well Station Track is to be maintained as a fire trail and provide access gates from the perimeter road. d) Fencing between Well Station Track and Mulanggari Grassland is to comply with <i>Planning for Bushfire Risk Mitigation General Code</i> and be endorsed by the relevant land manager e) Hydrants are to be provided along the perimeter road to the satisfaction of the ACT Emergency Services Agency (ESA) f) Open space adjacent to the bushfire interface area within the town centre is maintained in accordance with the Strategic Bushfire Management Plan. <p>A bushfire risk assessment plan endorsed by the ACT Emergency Services Agency and the Conservator of Flora and Fauna is required for any development within or adjacent to the bushfire prone area identified in figure 5 as a 20m wide Inner Asset Protection Zone (IAPZ) within the Well Station Track reserve. The plan must not impose any bushfire management strategies within Mulanggari Grasslands. The bushfire management strategies identified in the bushfire risk management plan must be consistent with the standards specified in the Strategic Bushfire Management Plan (SBMP).</p>	<p>C2</p> <p>Development within or adjacent to the bushfire prone area identified in figure 3 is endorsed by the Territory. In making its assessment the Territory will consider all of the following:</p> <ul style="list-style-type: none"> a) vegetation types and management b) access for emergency vehicles c) management objectives and values on the land to be effected by the proposed bushfire management strategies <p>Development within this area must not impose any bushfire management strategies within Mulanggari Grasslands. If the proposed bushfire management strategies do not meet the standards specified in the Strategic Bushfire Management Plan, justification is required for any differences (for instance, reduced risk or alternative but equivalent strategy).</p>

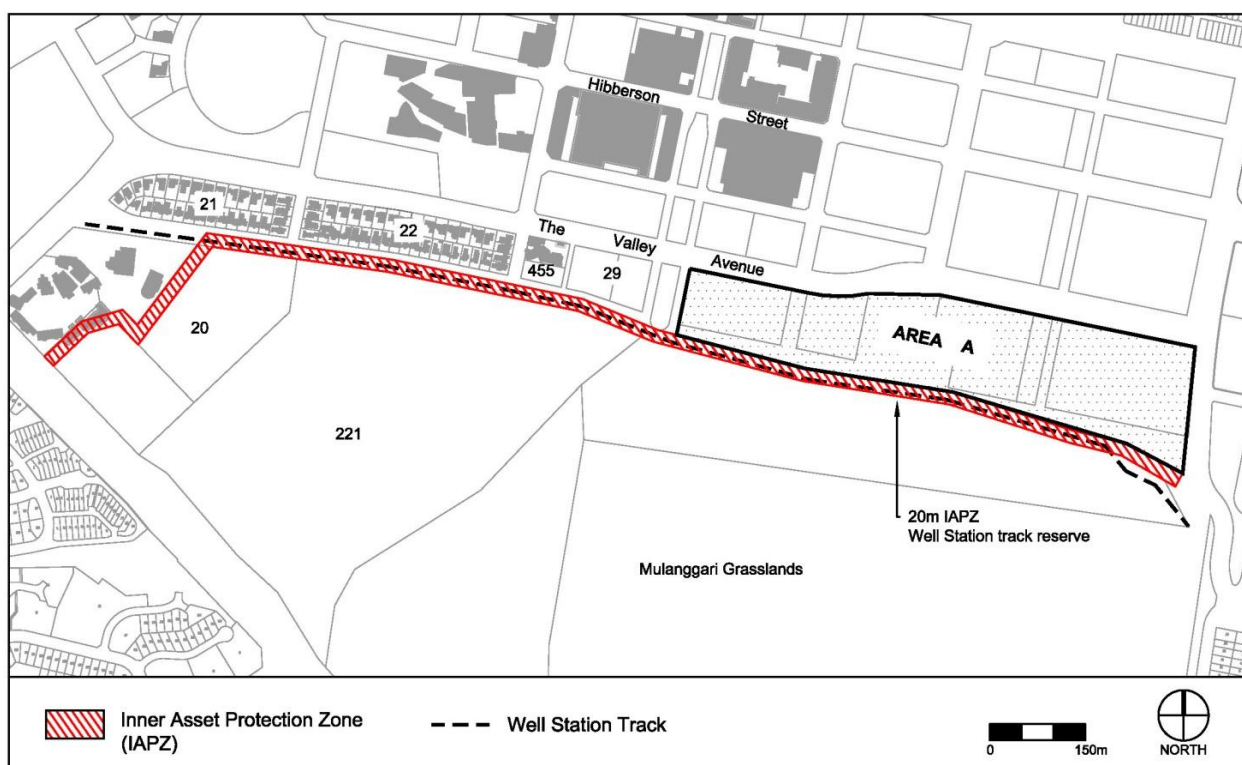


Figure 3 Bushfire protection

Element 3: Restrictions on use

Rules	Criteria
3.1 Ground floor use – CZ5	
<p>R3</p> <p>One or more of the following uses are not permitted above the ground floor:</p> <ul style="list-style-type: none"> a) <i>craft workshop</i> b) <i>indoor entertainment facility</i> c) <i>indoor recreation facility</i> d) NON RETAIL COMMERCIAL USE e) <i>restaurant</i> f) SHOP 	<p>C3</p> <p>Noise generating uses are located to minimise impacts on residential or commercial accommodation.</p>
3.2 Ground floor use – CZ5 – floor area limit	
<p>R4</p> <p>Where development includes one or more of the following:</p> <ul style="list-style-type: none"> a) <i>craft workshop</i> 	<p>C4</p> <p>The scale of leisure, recreation, community and commercial activities included with multi unit housing development achieves all of the following:</p> <ul style="list-style-type: none"> a) ancillary to RESIDENTIAL USE

Rules	Criteria
b) <i>indoor entertainment facility</i> c) <i>indoor recreation facility</i> d) <i>NON RETAIL COMMERCIAL USE</i> e) <i>Restaurant</i> f) <i>SHOP</i> the maximum <i>gross floor area</i> per establishment or tenancy is 200 m ²	b) services the local residents only.

Element 4: Building and site controls

Rules	Criteria
4.1 Height of buildings	
R5 Minimum <i>height of buildings</i> is two (2) <i>storeys</i> however uses such as service stations, places of worship, community facility uses, or ancillary structures may be one (1) <i>storey</i> except where an alternative minimum building height has been specified in this precinct code.	C5 Buildings achieve a compact urban form and are consistent with the desired planning outcomes described in the introduction of this document.

Element 5: Built form

Rules	Criteria
5.1 Building design - general	
There is no applicable rule.	C6 Development complies with all of the following: <ol 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) reinforces, enhances and addresses public transport stops and active travel routes to create active spaces for pedestrian activity c) corner buildings contain focal points providing architectural interest and variety to the building design d) entrances to common lobbies for residential use provide strong visual connection to the street and ensure a high level of surveillance for active travel routes e) buildings incorporate sun shading to reduce summer sun into the building interior

	<p>f) car parking structures are designed to integrate with the built form of adjoining development</p> <p>g) enhance and promote active interface between buildings and the public domain.</p>
<p>R7</p> <p>Open structured car parks, loading docks and substations are not located on frontages to the street in the area shown in figure 4.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
Rules	Criteria
5.2 Noise management plan	
<p>R8</p> <p>New residential development or residential component within a mixed use development on sites identified as entertainment precinct (Figure 5) will need to demonstrate noise mitigation measures for approval by the ACT Environment Protection Authority.</p> <p>Note: a noise management plan will form part of the development application.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

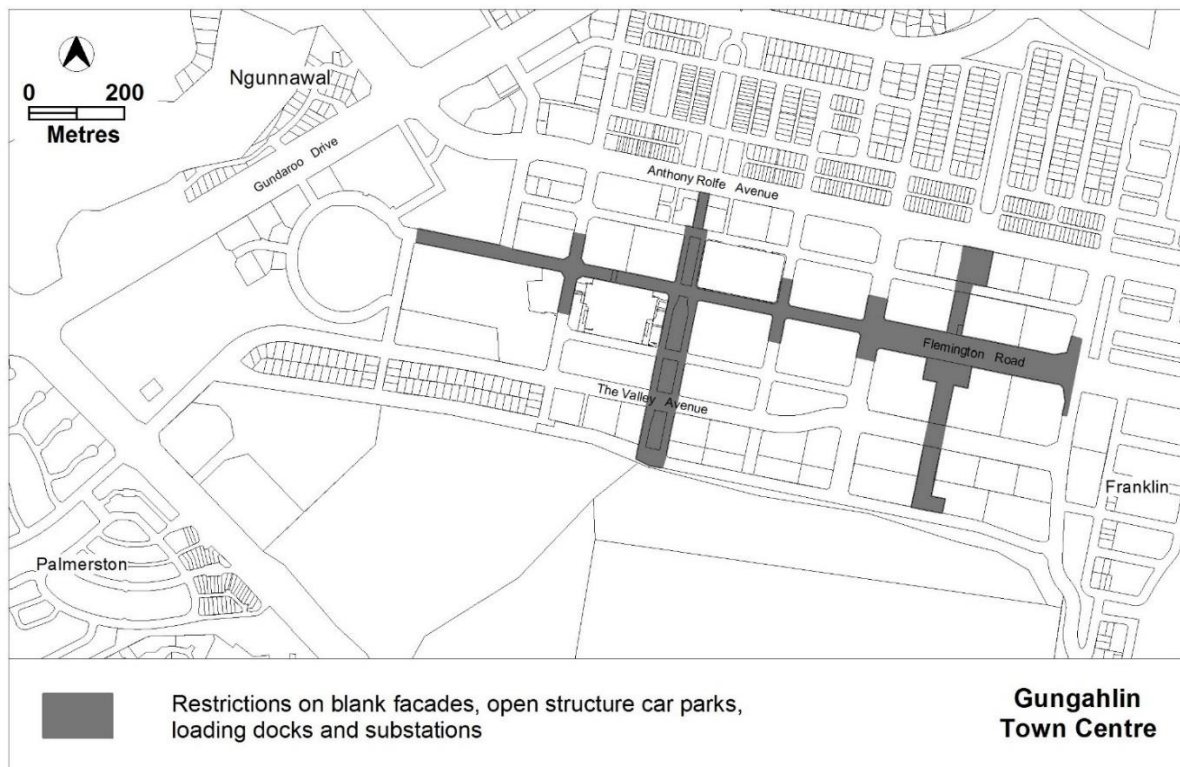


Figure 4 Restrictions on open structure car parks, loading docks and substations

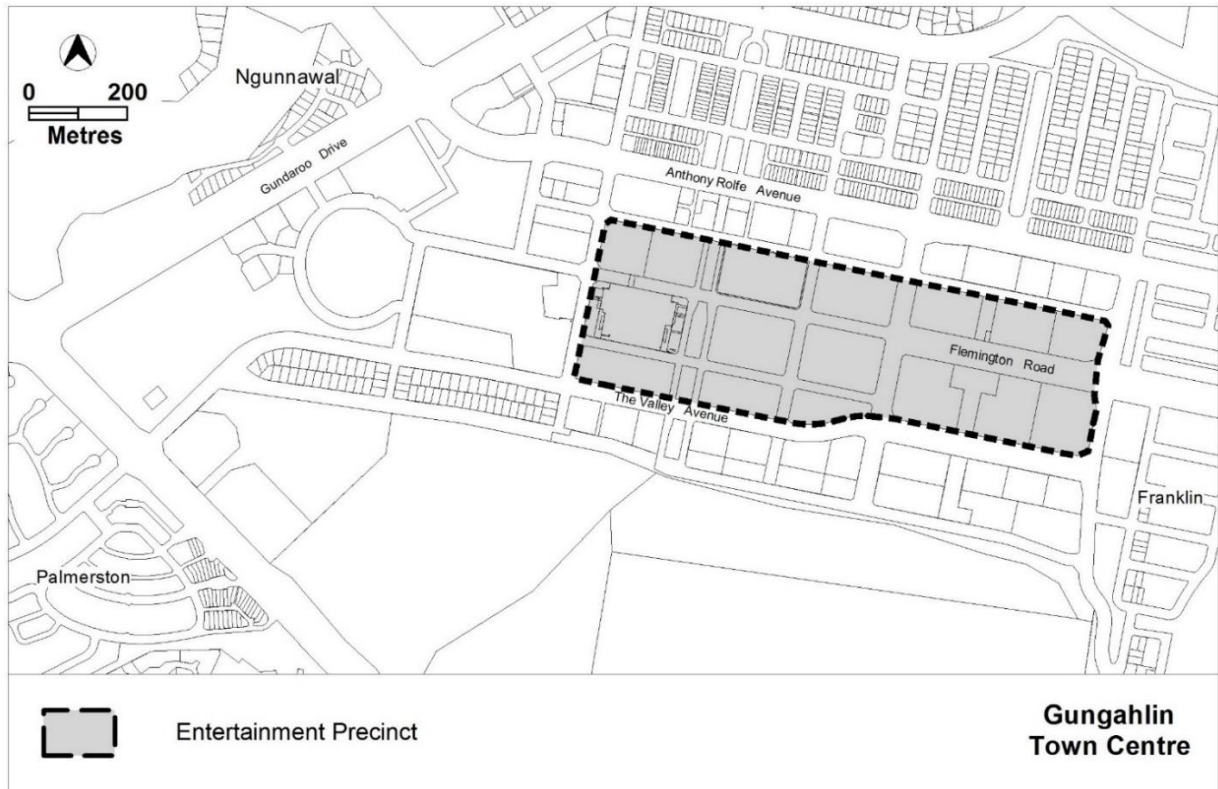


Figure 5 Entertainment precinct

Note: Land included in the entertainment precinct includes blocks that may be affected by noise from external sources. Development of multi unit housing in this area is subject to the noise attenuation requirements contained in the multi unit housing development code.

Rules	Criteria
5.3 Public transport stations and adjacent development	
<p>R9</p> <p>Public transport stops or stations are provided at the locations shown in figure 6.</p>	<p>C9</p> <p>The location of public transport stations on Hibberson Street and Flemington Road achieve all of the following:</p> <ul style="list-style-type: none"> a) supports public transport usage by town centre patrons b) provides access to retail and office areas c) is endorsed by the Territory.
<p>There is no applicable rule.</p>	<p>C10</p> <p>New buildings adjacent to a public transport bus and light rail station shown in figure 6 are designed to achieve all of the following:</p> <ul style="list-style-type: none"> a) be transit-oriented development with main building entrances located within close walking distance to the public transport station and clearly addressing the station b) provide improved access for pedestrians and cyclists between the station and verge to ensure continuity and ease of active travel routes c) ensure visual amenity by having vegetation and shade for comfort and minimise hard paving d) promote active frontages to the public transport station.
<p>R11</p> <p>Development adjacent to a public transport bus and light rail station shown in Figure 5 will include one or more of the following:</p> <ul style="list-style-type: none"> a) <i>SHOP</i> (not more than 200m²) b) <i>business agency</i> c) <i>restaurant</i> 	<p>C11</p> <p>Development <i>adjacent</i> to a public transport bus and/ or light rail station will have land use(s) which meet the needs of commuters.</p>

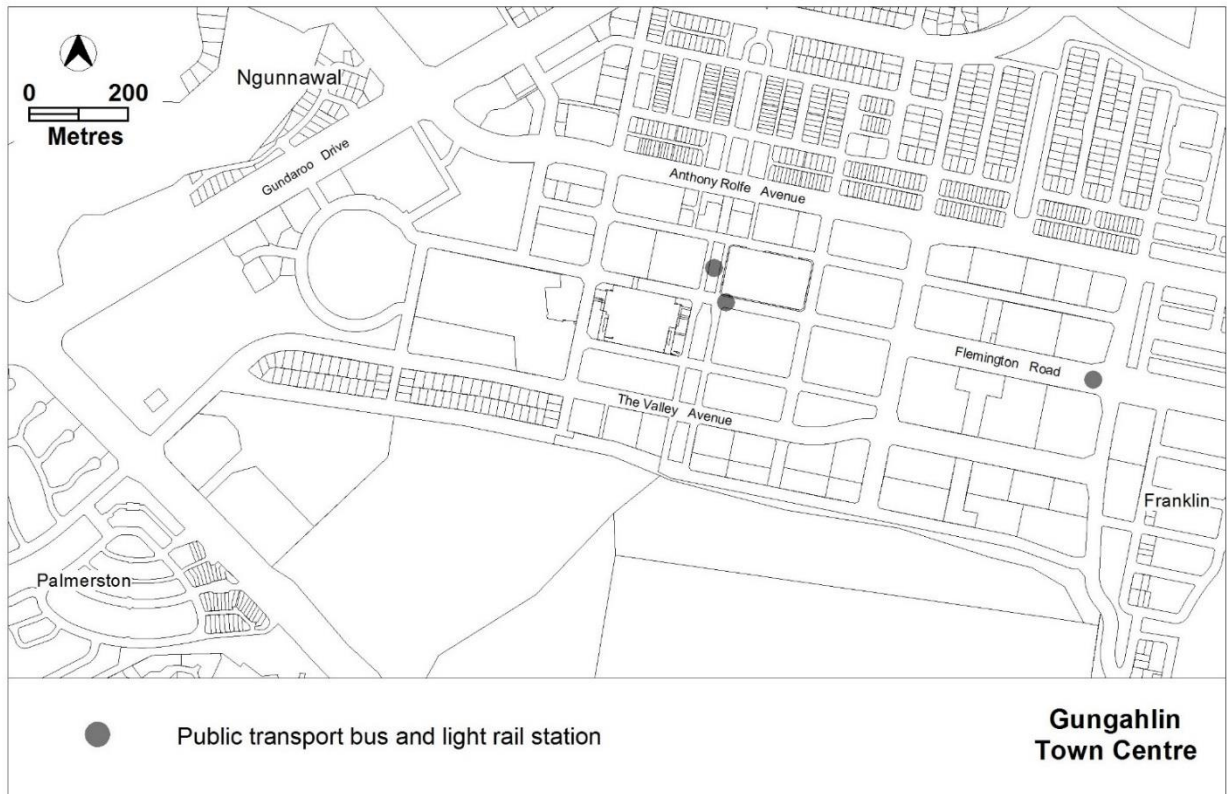


Figure 6 Public transport bus and light rail stations

Element 6: Parking and site access

Rules	Criteria
6.1 Sites for public car parking	
<p>R12</p> <p>Development on <i>sites</i> identified in figure 7 includes one (1) of the following:</p> <ul style="list-style-type: none"> a) surface car park with number of spaces endorsed by the Territory agency responsible for parking planning b) other development where all of the following are provided: <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) i) remains available for public access iv) complies with the <i>Parking and Vehicular Access General Code</i>. 	<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> <ul style="list-style-type: none"> a) any additional parking provision requirements (under the <i>Parking and Vehicular Access General Code</i>) for the development b) makes a substantial contribution to the long-term public parking supply for the whole town centre as endorsed by the Territory.

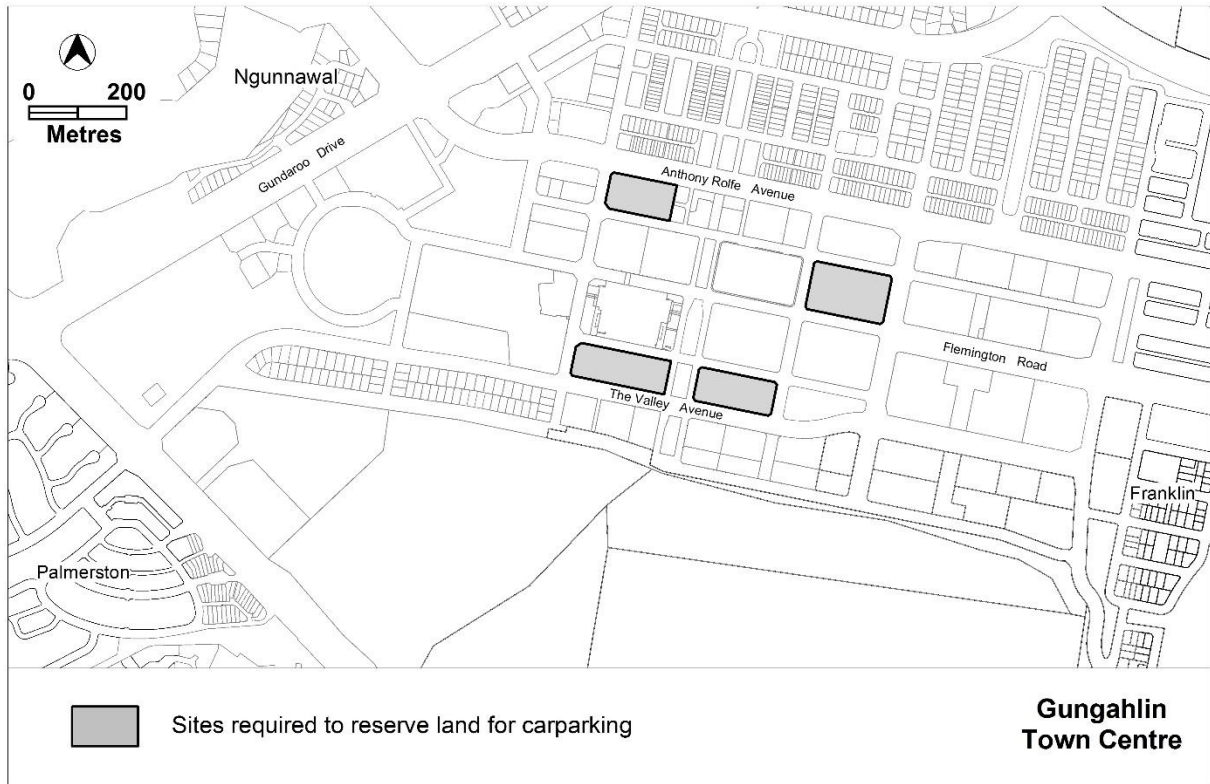


Figure 7 Location of sites for public car parking

Rules	Criteria
6.2 Restrictions on driveway access	
<p>R13</p> <p>Driveway access or egress to Hibberson Street, Flemington Road and Gungahlin Place is not permitted, other than being ancillary to the transport infrastructure in areas shown in Figure 8.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R14</p> <p>Driveway access or egress from roads identified as limited direct access shown in Figure 8 is not permitted.</p>	<p>C14</p> <p>Verge crossings and driveways may be permitted on blocks identified as having limited direct access / egress in Figure 8 where all of the following can be demonstrated:</p> <ol style="list-style-type: none"> a need based on localised traffic impact and movements a safe and effective spacing of access points between adjacent blocks and sections does not adversely impact on active travel routes or their priorities.

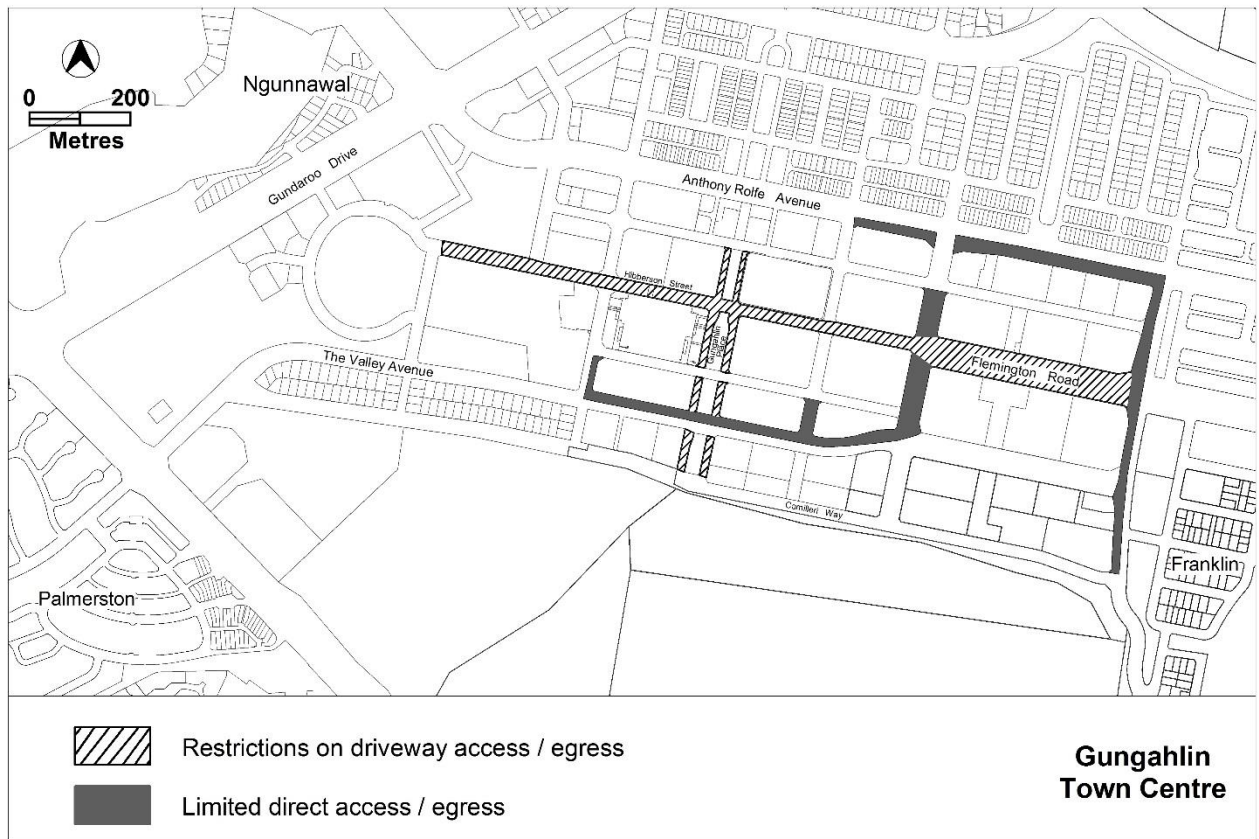


Figure 8 Restriction on driveway access and egress

Element 7: Amenity

Rules	Criteria
7.1 Design of Hibberson Street public realm	
There is no applicable rule.	<p>C15 Hibberson Street and Flemington Road, between Gozzard Street and Manning Clarke Crescent, has all of the following characteristics:</p> <ul style="list-style-type: none"> a) provides convenient pedestrian access along both sides of Hibberson Street to promote an accessible and safe environment for active shop fronts b) provides convenient and safe pedestrian access across Hibberson Street at appropriate locations between the adjacent retailing c) provides direct and visible pedestrian access to public transport facilities along Hibberson Street.
7.2 Design of Gungahlin Place public realm	
There is no applicable rule.	<p>C16 Gungahlin Place, between Ernest Cavanagh Street and Camilleri Way, has all of the following characteristics:</p> <ul style="list-style-type: none"> a) provide direct and convenient east-west and north-south pedestrian and cycling access in Gungahlin Place between adjacent retailing and community amenities b) provide pedestrian access along both verges within Gungahlin Place to promote an accessible and safe environment for active shop fronts c) provide open space in Gungahlin Place that allows for outdoor seating areas and promotes uses such as community events, markets, cafes and kiosks d) provide unobtrusive weather protection and high quality landscaping with canopy trees within Gungahlin Place that is consistent with the surrounding character and use of Gungahlin Place.

Rules	Criteria
7.3 Active frontage	
<p>R17</p> <p>For building frontages shown as ‘Active Frontage – Mandatory’ in Figure 9, ground floor frontages comply with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows and shop fronts at the ground floor level b) buildings incorporate direct pedestrian access at grade with the verge level for access and egress for persons with disabilities c) blank walls without windows will be a maximum of 30% of the building frontage and will be articulated or designed to contribute positively to the streetscape. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R18</p> <p>For building frontages shown as ‘Active Frontage – Adaptable Built Form’ in Figure 9, ground floor frontage is to comply with all of the following:</p> <ul style="list-style-type: none"> a) buildings incorporate clear display windows or shop fronts at the ground floor level b) buildings incorporate direct pedestrian access at grade with the verge level is to be provided for access and egress for persons with disabilities. 	<p>C18</p> <p>For buildings fronting streets identified as ‘Active Frontage – Adaptable Built Form’ in Figure 9, development at ground floor level achieves all of the following:</p> <ul style="list-style-type: none"> a) be adaptable for shops b) where building access is provided, direct pedestrian access is at street level.
<p>R19</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) buildings incorporate clear display windows and shop fronts at the ground floor level b) blank walls without windows will be a maximum of 40% of the building frontage and will be articulated or designed to contribute positively to the streetscape. c) buildings incorporate direct pedestrian access at grade for access and egress for persons with disabilities at the main and secondary entrances. 	<p>C19</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) ensure the building façade is designed to provide sufficient natural surveillance to the street/ spaces b) provide direct access at grade where buildings front the public domain c) 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.

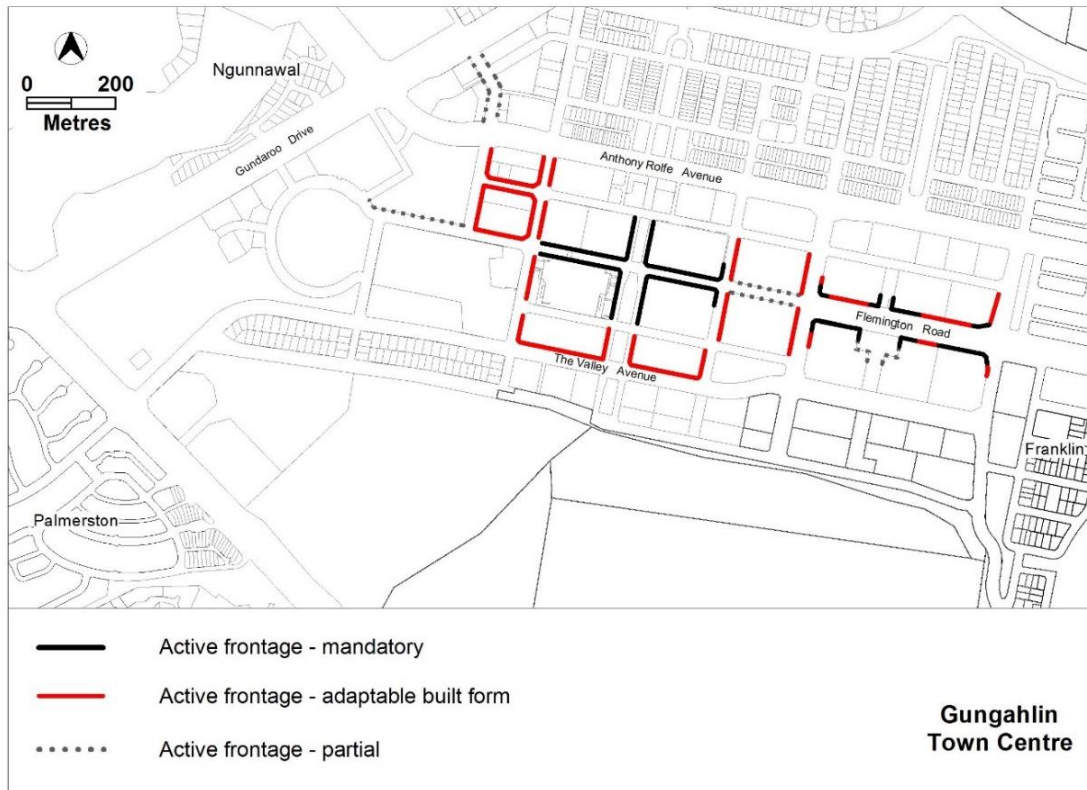


Figure 9 Active frontage requirements

Rules	Criteria
<p>7.4 Landscape</p>	
<p>There is no applicable rule.</p>	<p>C20</p> <p>Landscaping achieves all of the following:</p> <ul style="list-style-type: none"> a) is sensitive to <i>site</i> attributes, including <i>streetscapes</i> and landscapes of documented heritage significance b) use of vegetation types and landscaping styles which complement the <i>streetscape</i> character and integrate with Gungahlin Place, linear parks, public spaces, reserves and public transport corridors c) contributes to energy efficiency and amenity of public space by providing substantial shade in summer, especially to west-facing windows and open car park areas, and admitting winter sunlight to outdoor and indoor spaces d) satisfies utility maintenance requirements and minimises the visual impact and risk of damage to aboveground and underground

	<p>utilities</p> <ul style="list-style-type: none"> e) provides landscaping with low and high elements which does not obscure or obstruct sightlines to building entries, paths and driveways to reduce the actual or perceived personal safety and security f) tree planting in and around car parks to provide shade and soften the visual impact of parking areas g) Water Sensitive Urban Design (WSUD) principles are applied to all landscape treatments within the town centre h) Drought tolerant plant species are used in both public and private realms to contribute to a high quality landscape character.
Rules	Criteria
	<p>C21</p> <p>This criterion applies to the residential development or residential components of mixed use development.</p> <p>Communal open space complies with all of the following:</p> <ul style="list-style-type: none"> a) provide for active and passive recreation needs of all residents b) unpaved soft landscaped areas are to comprise a minimum of 50% of the total communal open space area c) designed to present as a private area for use by the residents d) includes passive surveillance from adjacent internal living areas and/or pathways e) have a northerly aspect where possible; f) be in addition to any public thoroughfares 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 h) ensure adequate shade through landscape plantings. <p>Note: This criterion does not replace the relevant</p>

	<p>provisions for open space in the development codes. This criterion takes precedence where there is a conflict with the development code provisions.</p>
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Part B - Area specific controls

This part contains area specific controls that apply to precincts within the Gungahlin Town Centre, as shown in Figure 10.

The rules and criteria of Part B shall take precedence if there is an inconsistency with any other part of this code.

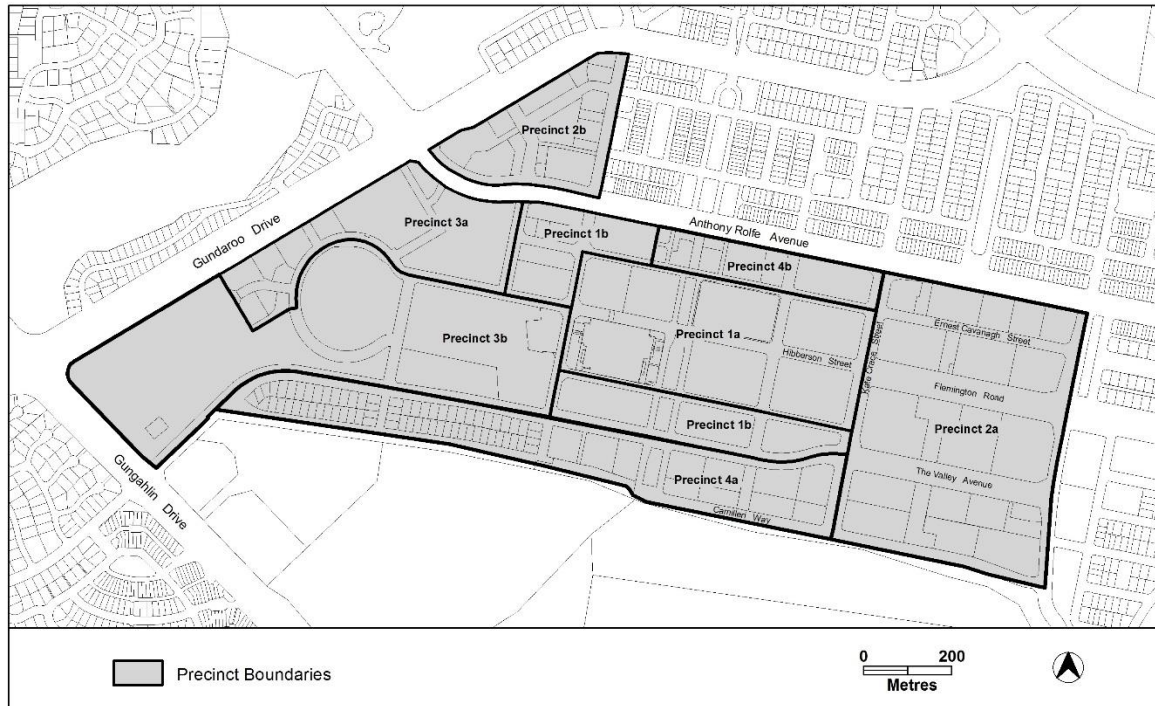


Figure 10 Precinct areas within the Gungahlin Town Centre

Gungahlin Town Centre has several precincts:

- Precinct 1a – Retail Core
- Precinct 1b – Retail Core Mixed Use
- Precinct 2a – Mixed Use East
- Precinct 2b – Mixed Use North West
- Precinct 3a – Services and Trades
- Precinct 3b – Major Community and Recreation Facilities
- Precinct 4a – Southern Transition
- Precinct 4b – Northern Transition

In this code:

Large retail anchor means a department store, cinema complex with more than 3 screens or a supermarket or retail outlet of 1200m² or more in *gross floor area*.

Precinct 1a – Retail core

The following elements apply to precinct 1a shown in Figure 10.

Element 8: Use

Rules	Criteria
8.1 Ground floor use	
<p>R22</p> <p>This rule applies to buildings with frontages to main pedestrian areas and routes as shown in Figure 11.</p> <p>One or more of the following uses are permitted at the ground floor level:</p> <ul style="list-style-type: none"> a) <i>business agency</i> b) <i>club</i> c) <i>community activity centre</i> d) <i>drink establishment</i> e) <i>financial establishment</i> f) <i>hotel</i> g) <i>indoor entertainment facility</i> h) <i>indoor recreation facility</i> i) <i>public agency</i> j) <i>restaurant</i> k) <i>SHOP</i> 	<p>C22</p> <p>Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space.</p>
8.2 Protection of retail expansion opportunities	
<p>R23</p> <p>The following uses are not permitted on both the ground and first floors of buildings in Precinct 1a:</p> <ul style="list-style-type: none"> a) <i>Serviced apartment</i> b) <i>RESIDENTIAL USE</i> 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
8.3 Development in Gungahlin Place	
<p>R24</p> <p>This rule applies to sections 36, 37 and 38.</p> <p>Development achieves all of the following:</p> <ul style="list-style-type: none"> a) a maximum of 200m² GFA per section b) a maximum of 75m² GFA per tenancy c) is endorsed by the land custodian. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
8.4 Distribution and coordination of retail	
<p>R25</p> <p>Each section contains at least <i>one large retail anchor</i>.</p> <p>Note: The definition of <i>large retail anchor</i> can be found on the first page of Part C of this code.</p> <p>Note: This rule does not apply to unleased territory land including sections 36 and 37.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

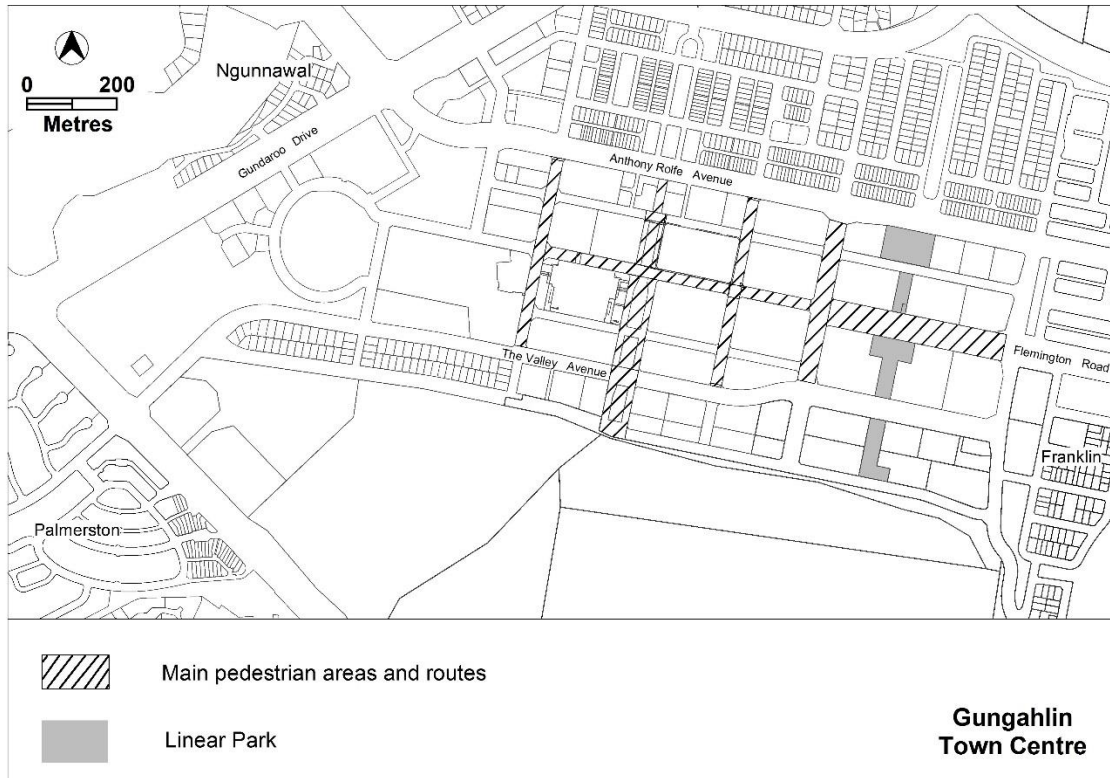
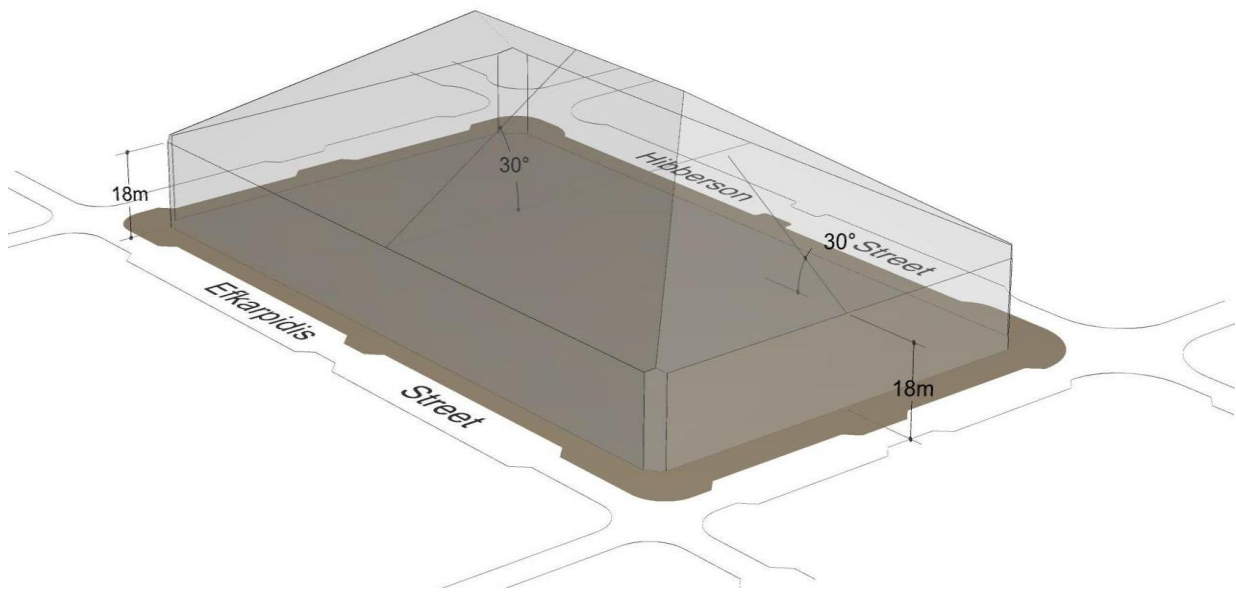


Figure 11 Main pedestrian areas and routes and linear park

Element 9: Buildings

Rules	Criteria
9.1 Building envelope	
<p>R26</p> <p>Rooftop building elements, including lift overruns and plant and equipment are contained within the building envelope controls shown in Figure 12.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



Note: This illustration shows a potential built form within the building envelope

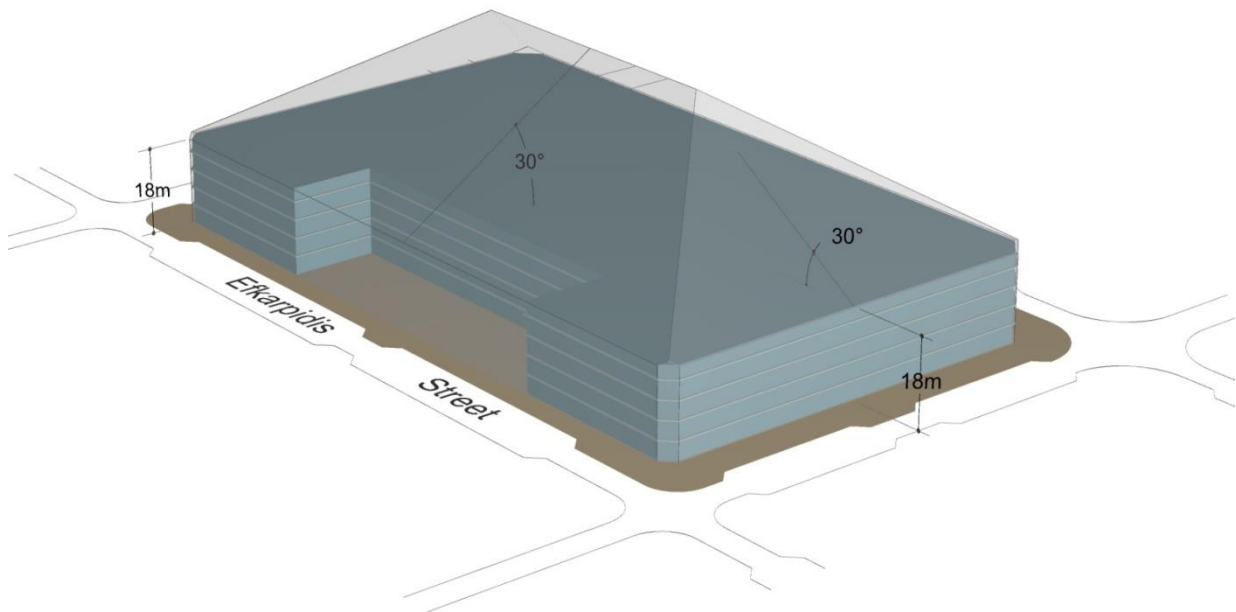


Figure 12 Building envelope in Precinct 1a (south side of Hibberson Street)

Rules	Criteria
9.2 Protection of solar access for activities on south side of Hibberson Street	
<p>R27</p> <p>For development on the northern side of Hibberson Street, development is to maintain a minimum of 3 hours solar access to the southern verge of Hibberson Street, particularly between 12 noon and 2 pm on the winter solstice (21 June).</p>	<p>C27</p> <p>Buildings on the northern side of Hibberson Street are limited in height to ensure development on the southern side of Hibberson Street remains substantially sunlit, particularly between 12 noon and 2 pm on the winter solstice (21 June).</p>
9.3 Setbacks	
<p>R28</p> <p>Buildings are joined at party walls and built to the front property boundary along main pedestrian areas and routes identified in Figure 11.</p>	<p>C28</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with desired planning outcomes b) compatibility with adjacent development. <p>Minor setbacks in building alignment may be permitted to provide small spaces for active uses.</p>

Element 10: Built form

Rules	Criteria
10.1 Building Design	
<p>R29</p> <p>The minimum ground floor level floor to ceiling height is 3.6m.</p>	<p>C29</p> <p>Ground floor level of buildings is designed to be adaptable for commercial use.</p>
<p>There is no applicable rule.</p>	<p>C30</p> <p>Major public entrances of retail centres achieve all of the following:</p> <ul style="list-style-type: none"> a) are visible from the major public entrances of nearby retail centres b) provide convenient access between major public entrances of nearby retail centres.
10.2 Awnings	
<p>R31</p> <p>Buildings must incorporate awnings that comply with all of the following:</p> <ul style="list-style-type: none"> a) cantilevered awnings for the full extent of the building frontage identified as <i>mandatory active frontage</i> in figure 9 and a minimum of 50% of the building frontage identified along main pedestrian 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

<p>areas and routes shown in Figure 11</p> <ul style="list-style-type: none">b) awnings are to be a minimum height of 3m in cantilever widthc) awnings are to be a minimum height of 3m above finished pavement or ground level of the verged) integrated with the building design at the first floor level.	
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Precinct 1b – Retail core mixed use

The following elements apply to precinct 1b shown in Figure 10.

Element 11: Use

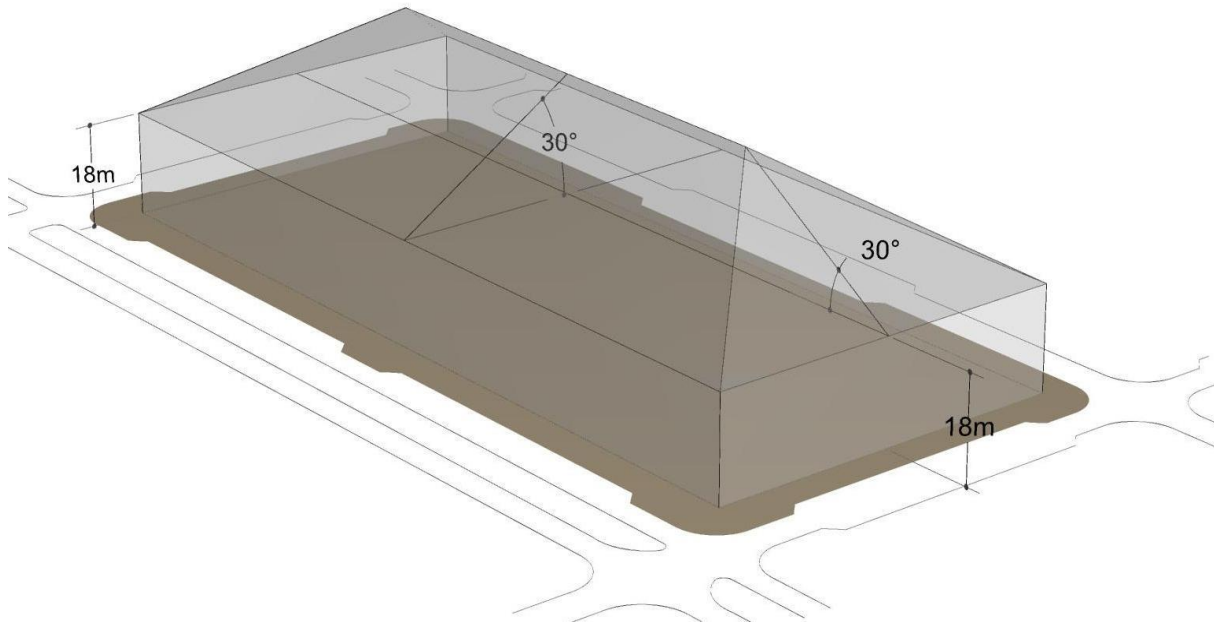
Rules	Criteria
11.1 Ground floor use	
<p>R32</p> <p>This rule applies to buildings with frontages to hatched area shown in Figure 11.</p> <p>One or more of the following uses are permitted at the ground floor level:</p> <ul style="list-style-type: none"> a) <i>business agency</i> b) <i>club</i> c) <i>community activity centre</i> d) <i>drink establishment</i> e) <i>financial establishment</i> f) <i>hotel</i> g) <i>indoor entertainment facility</i> h) <i>indoor recreation facility</i> i) <i>public agency</i> j) <i>restaurant</i> k) <i>SHOP</i> 	<p>C32</p> <p>Buildings fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space.</p>
11.2 Scale of retail activity	
<p>R33</p> <p>Until the five sections in Precinct 1a contains one (1) <i>large retail anchor</i>, the following uses in Precinct 1b are restricted to a maximum of 200m² <i>Gross Floor Area</i> per tenancy:</p> <ul style="list-style-type: none"> a) department store b) discount department store c) <i>supermarket</i> d) <i>SHOP</i> selling food <p>Note: This rule restricts the scale of the listed developments until the retail core area is developed. The definition of <i>large retail anchor</i> can be found on the first page of Part B of this code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
11.3 Development in Gungahlin Place	
<p>R34</p> <p>This rule applies to sections 36, 37 and 38. Development achieves all of the following:</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

a) maximum of 200m ² GFA per section b) a maximum of 75m ² GFA per tenancy c) is endorsed by the land custodian.	
Rules	Criteria
11.4 Serviced apartment and residential use	
R35 The following uses are not permitted on both the ground and first floors of buildings in Precinct 1b: a) <i>Serviced apartment</i> b) <i>RESIDENTIAL USE</i>	This is a mandatory requirement. There is no applicable criterion.

Element 12: Buildings

Rules	Criteria
12.1 Building envelope and setbacks	
R36 All building elements, including lift overruns and roof top plant are contained within the building envelope controls shown in Figure 13.	This is a mandatory requirement. There is no applicable criterion.
R37 Buildings are joined at party walls and built to the front property boundary along main pedestrian areas and routes identified in Figure 11. This rule does not apply to the boundaries to Gungahlin Place of Section 226 Block 4 and Section 232 Block 1, Gungahlin.	C37 Buildings achieve all of the following: a) consistency with desired planning outcomes b) compatibility with adjacent development Minor setbacks in building alignment may be permitted to provide small spaces for active uses.
There is no applicable rule.	C38 This criterion applies to Section 226 Block 4 and Section 232 Block 1, Gungahlin, but does not apply to the Gozzard Street frontage and Hinder Street frontage. Buildings achieve all of the following: a) consistency with desired planning outcomes b) compatibility with adjacent development c) corner treatment with articulation in the building facade at the corner of Gungahlin Place and Efkarpidis Street d) where setbacks are proposed, reasonable space for active outdoor uses, the protection of any regulated trees, and the

	<p>provisions of landscaping</p> <p>e) for outdoor spaces adjacent to Gungahlin Place, landscaping consistent with the landscaping in Gungahlin Place.</p> <p>Note: R37 and C37 still apply to the Gozzard Street frontage and Hinder Street frontage.</p>
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Note: This illustration shows a potential built form within the building envelope

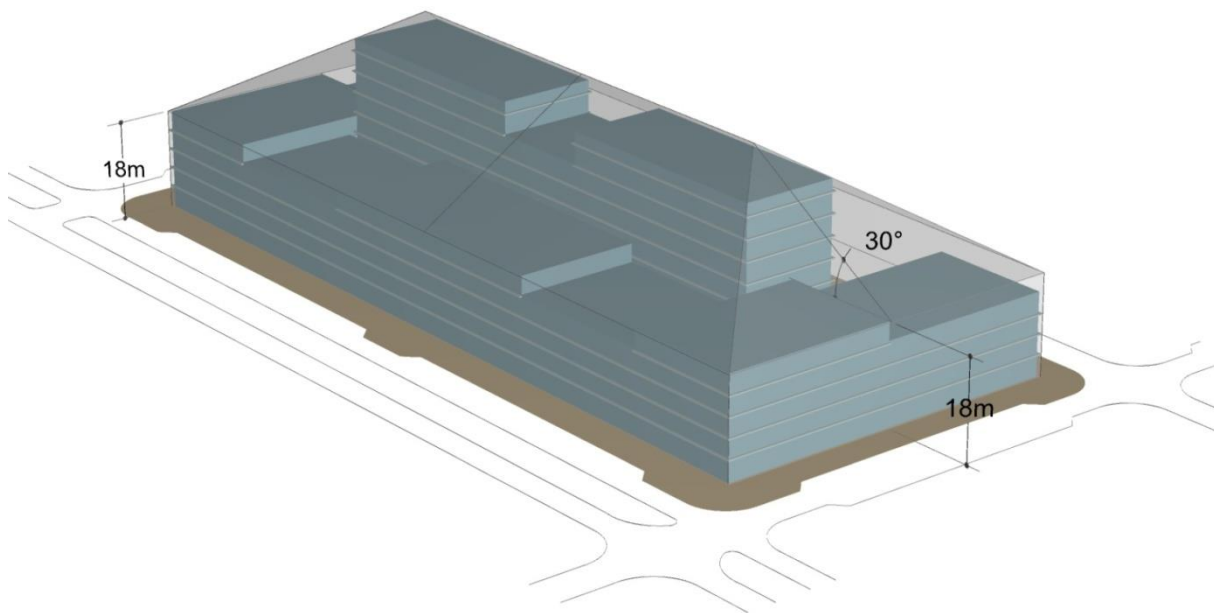


Figure 13 Building envelope in Precinct 1b

Element 13: Built form

Rules	Criteria
13.1 Building Design	
R39 The minimum ground floor level floor to ceiling height is 3.6m.	C39 Ground floor level of buildings is designed to be adaptable for commercial use.
13.2 Awnings	
R40 Buildings with front boundary setbacks less than 2m incorporate awnings that comply with all of the following: <ul style="list-style-type: none">a) cantilevered for the full extent of the building frontage along main pedestrian areas and routes identified in Figure 11b) a minimum of 3m in cantilever widthc) a minimum height of 3m above finished pavement or ground level of the verged) integrated with the building design at the first floor level.	This is a mandatory requirement. There is no applicable criterion.

Precinct 2a – Mixed Use East

The following elements apply to precinct 2a shown in Figure 10.

Element 14: Use

Rules	Criteria
14.1 Protection of office development	
<p>R41</p> <p>Blocks 3 and 5 Section 231 will be exclusively for the development of commercial office and ancillary use.</p> <p>Note: In the event that these blocks are subdivided, the portion of the land adjacent to Flemington Road will be used exclusively for the commercial office.</p>	<p>C41</p> <p>The location and need for the commercial office may be reviewed within this precinct with the approval of the planning and land authority.</p>
<p>R42</p> <p>Rule 41 applies until 1 January 2023 or, until such time as nominated in writing by the relevant authority.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R43</p> <p>Buildings with active frontage – mandatory, identified in Figure 9 must not have RESIDENTIAL USE at ground level.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
14.2 Street level uses	
<p>R44</p> <p>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:</p> <ul style="list-style-type: none"> a) <i>Business agency</i> b) <i>Drink establishment</i> c) <i>Health facility</i> d) <i>Public agency</i> e) <i>Restaurant</i> f) <i>SHOP</i> with a maximum GFA of 200m². 	<p>C44</p> <p>Buildings facing main pedestrian areas and routes identified in Figure 11 incorporate uses that generate activity at the ground level in the public space.</p>

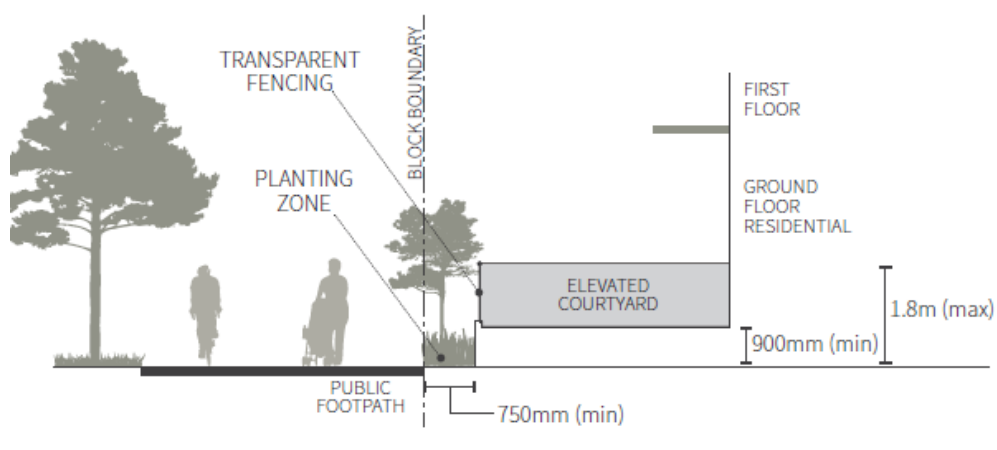
Element 15: Buildings

15.1 Maximum numbers of storeys	
<p>R45</p> <p>Maximum number of storeys will be as indicated in Figure 14.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

15.2 Minimum numbers of storeys	
<p>R46</p> <p>Minimum number of storeys will be:</p> <p>a) Building fronting Flemington Road: 4 storeys including podium.</p> <p>b) Building fronting northern side of the Valley Avenue: 3 storeys</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
15.3 Building setbacks	
<p>R47</p> <p>Notwithstanding Rule 50, minimum building setbacks identified in Figure 15 are:</p> <p>a) Flemington Road – nil setback</p> <p>b) Kate Crace Street and Manning Clarke Crescent between The Valley Avenue and Ernest Cavanagh – nil setback</p> <p>c) Anthony Rolfe Avenue – nil setback</p> <p>d) All other street frontages – 4m</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
15.4 Podium height and setback	
<p>R48</p> <p>This rule applies to buildings with non-residential components at ground level which front main pedestrian routes identified in Figure 11.</p> <p>Buildings achieve all of the following:</p> <p>a) minimum setback from the building line – 4m</p> <p>b) minimum podium height – 6.9m</p>	<p>C48</p> <p>Design of buildings at the ground and podium level promote human scale development.</p>
15.5 Above ground parking	
<p>R49</p> <p>Parking area above ground level is not permitted fronting the following roads:</p> <p>a) Flemington Road</p> <p>b) Manning Clarke Crescent</p> <p>c) Kate Crace Street</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
15.6 Building setback and articulation	
<p>R50</p> <p>Building podium fronting Flemington Road, Manning Clarke Crescent and The Valley Avenue will have a setback of 4m for 30% of the blocks <i>front boundary</i> length.</p>	<p>C50</p> <p>Building form and façades are articulated to reduce bulk of the development and promote an interesting streetscape.</p>

15.7 Master plan for blocks of more than 10,000m²	
There is no applicable rule.	<p>C51</p> <p>This criterion applies to new development on blocks of more than 10 000m².</p> <p>A site analysis must be undertaken to inform the development of a master plan for the block. The master plan must outline all of the following:</p> <ul style="list-style-type: none"> a) a variation in building height and form to reduce bulk and scale of the buildings b) location of communal open space c) how development will address adjoining streets, intersections, corners and open space d) provision for pedestrian mid-block links which: <ul style="list-style-type: none"> i) relate and contribute to the wider open space and pedestrian network ii) are publicly accessible at all times iii) provide high level of safety and amenity for users. e) site access for loading and delivery <p>The master plan must be agreed to by the planning and land authority prior to lodgement of a development application.</p>
15.8 Ground floor level	
<p>R52</p> <p>Where residential uses are permitted along a main pedestrian route, the level of any habitable floor will not be lower than the verge or pedestrian access level.</p>	<p>C52</p> <p>Ground floor design of the building to promote active street frontage.</p>
15.9 Awning	
<p>R53</p> <p>Buildings must incorporate awnings that comply with all of the following:</p> <ul style="list-style-type: none"> a) Cantilevered awnings for the full extent of the building frontage identified as active frontage - mandatory in Figure 9 b) A minimum of 3m in cantilever width c) A minimum height of 3m above finished pavement or ground level of the verge d) Integrated with the building design at the first 	<p>This is a mandatory rule. There is no applicable criterion.</p>

floor level.	
15.10 Residential interface to street	
<p>R54</p> <p>Residential development at ground floor level where it fronts main pedestrian areas and routes identified in Figure 11 complies with all of the following:</p> <ol style="list-style-type: none"> minimum front boundary setback – 4m <i>private open space</i> behind the front fence will have a minimum finished ground level of 900mm above the finished verge level pedestrian access to individual <i>private open space</i> is provided from the <i>street</i> front fencing should comply with all of the following: <ol style="list-style-type: none"> minimum <i>front boundary setback</i> – 750mm maximum height above finished verge level – 1.8m area between the <i>front boundary</i> and the front fence is to be landscaped area behind the fence, within the <i>private open space</i>, is to be landscaped predominantly transparent designed to integrate with the streetscape <p>Note: the above controls are illustrated in Section 1.</p> <p>Note: the 4m setback for residential forms a component of the 30% building articulation required by Rule 49.</p>	<p>This is a mandatory rule. There is no applicable criterion.</p>



Section 1: Example of residential interface to street

Element 16: Open space

Rules	Criteria
16.1 Linear park	
<p>R55 A series of open spaces to form a linear park will be consistent with Figure 11.</p>	<p>This is a mandatory rule. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p>C56 The linear park shown in Figure 11 shall be consistent with a landscape master plan and comply with all of the following:</p> <ul style="list-style-type: none"> a) unified and integrated park design b) high quality design and amenities including street furniture and lighting c) large canopy trees d) responds to adjacent developments.



Figure 14 Maximum number of storeys in Precinct 2a

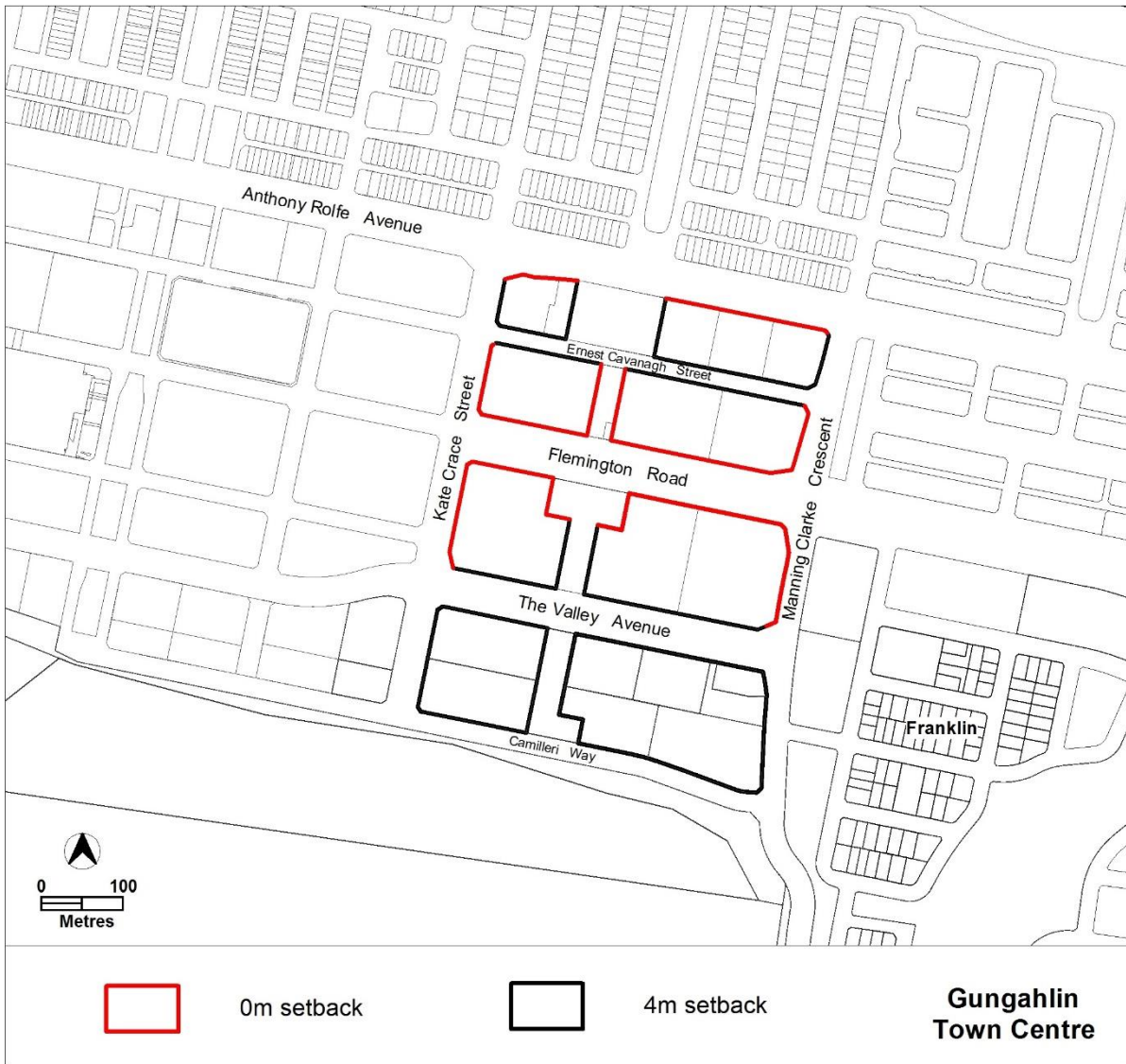


Figure 15 Setbacks in Precinct 2a

Element 17: Built form

Rules	Criteria
17.1 Location of public entrances	
<p>There is no applicable rule.</p>	<p>C57</p> <p>To provide public entrances that are easily identifiable and convenient, the development achieves 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 relates to

	the overall bulk and scale of the building to emphasise the entrance to main lobby or foyer.
<p>R58</p> <p>This rule applies to buildings fronting areas identified as main pedestrian areas and routes and linear park identified in Figure 11.</p> <p>New development provides articulated building entrance to the street and public space at grade with the adjoining verge or finished site levels.</p>	<p>C58</p> <p>Building entrance to address main pedestrian routes adjoining public open space.</p>
Rules	Criteria
17.2 Landscape	
<p>There is no applicable rule.</p>	<p>C59</p> <p>Provide a high quality landscape character to Precinct 2a Mixed Use East and achieve all of the following:</p> <ul style="list-style-type: none"> a) a documented landscape design showing how landscape associated with the development addresses all of the items described in criterion C20 in this code b) use vegetation types and landscaping styles which complement the <i>streetscape</i> character and integrate with the north-south linear park, public spaces, reserves and public transport corridors.

Precinct 2b – Mixed Use North West

The following elements apply to precinct 2b shown in Figure 10.

Element 18: Use

Rules	Criteria
18.1 Street level uses	
<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) <i>Business agency</i> b) <i>Drink establishment</i> c) <i>Health facility</i> d) <i>Public agency</i> e) <i>Restaurant</i> f) <i>SHOP</i> 	<p>C60</p> <p>Buildings abutting the street or main building entry incorporate uses that generate activity at the ground level in the public space.</p>

Element 19: Buildings

19.1 Number of storeys	
<p>R61</p> <p>Maximum number of storeys of any new development will be as specified in Figure 16.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
19.2 Podium height and setback	
<p>R62</p> <p>Commercial components within a building fronting a 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.</p>	<p>C62</p> <p>Integrated building design for ground and upper level to promote a human scale for the pedestrians.</p>
<p>R63</p> <p>Building podium fronting Anthony Rolfe Avenue, Gundaroo Drive and Swain Street will have a setback of 4m for minimum of 30% of the site's front boundary length.</p>	<p>C63</p> <p>Articulated building form and façade to reduce the bulk of the development and promote interesting streetscape.</p>

Element 20: Built form

Rules	Criteria
20.1 Location of public entrances	
<p>There is no applicable rule.</p>	<p>C64</p> <p>To provide public entrances that are easily identifiable and convenient, the development provides all of the following:</p> <ol style="list-style-type: none"> entrances to commercial and other uses provide a strong visual connection to the street the main building entrance relate to the overall bulk and scale of the building to emphasise the entrance to main lobby or foyer provide articulated building entrance to the street and/ or public space at grade with the adjoining verge or finished <i>site</i> levels.

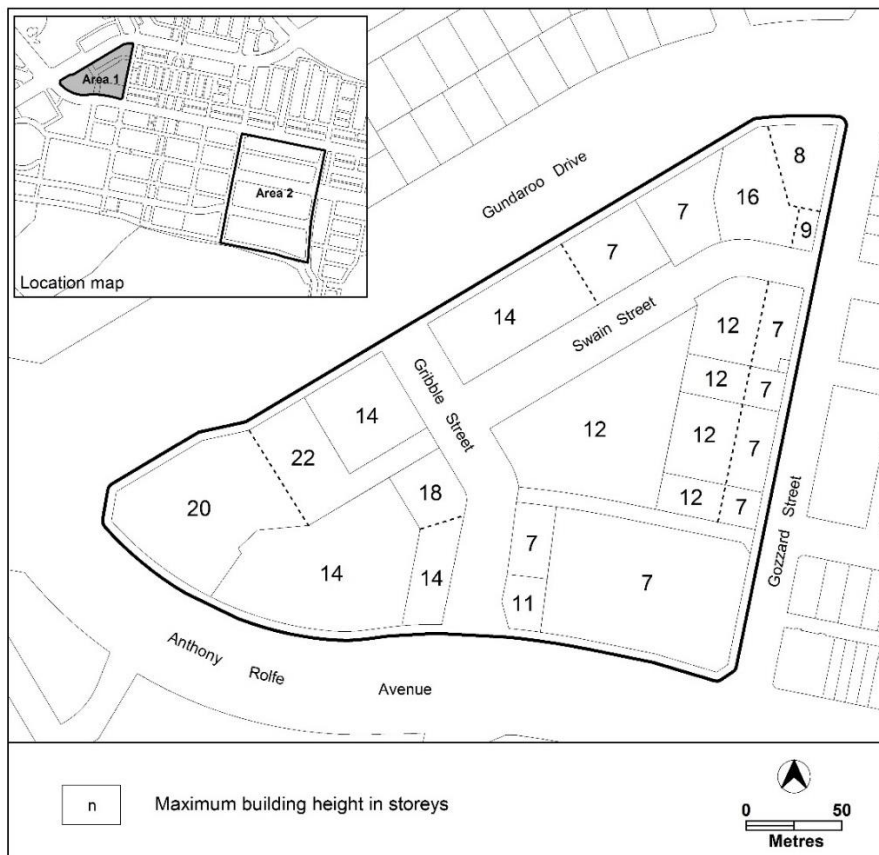


Figure 16 Maximum numbers of storeys in Precinct 2b

Precinct 3a – Services and Trades

The following elements apply to precinct 3a shown in Figure 10.

Element 21: Buildings

Rules	Criteria
21.1 Height and setbacks	
<p>R65</p> <p>Maximum <i>height of buildings</i> is 14 metres above the <i>datum ground level</i>.</p>	<p>C65</p> <p><i>Height of buildings</i> comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with existing character in the Service Trades Precinct b) is appropriate to the scale and function of the use c) minimise detrimental impact to adjacent open space and development, including overshadowing and excessive scale.
<p>R66</p> <p>Buildings maintain a continuous <i>building line</i> along Hibberson Street.</p>	<p>C66</p> <p>Building setbacks comply with all of the following:</p> <ul style="list-style-type: none"> a) frontages to Hibberson Street maintain a continuous <i>building line</i> b) setbacks in building alignment may be permitted where it provides small spaces for active uses and / or building entrances.

Element 22: Built form

22.1 Building design	
<p>There is no applicable rule.</p>	<p>C67</p> <p>To provide development that is identifiable and contributes to the existing <i>streetscape</i> character, the development is to provide all of the following:</p> <ul style="list-style-type: none"> a) entrances provide a strong visual connection to the street and ensure a high level of surveillance b) building frontages to streets provide interesting and attractive facades that positively contribute to the <i>streetscape</i>.

Precinct 3b – Major community and recreation facilities

The following elements apply to precinct 3b shown in Figure 10.

Element 23: Buildings

Rules	Criteria
23.1 Height and setbacks	
<p>R68</p> <p>Maximum <i>height of buildings</i> is 14m above the <i>datum ground level</i>.</p>	<p>C68</p> <p>Maximum <i>height of buildings</i> comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale.
<p>R69</p> <p>A minimum setback of 6 metres applies to Warwick Street and The Valley Avenue street frontages.</p>	<p>C69</p> <p>Setbacks comply with all of the following:</p> <ul style="list-style-type: none"> a) are compatible with adjacent development b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale.

Element 24: Built form

Rules	Criteria
24.1 Building design	
<p>There is no applicable rule.</p>	<p>C70</p> <p>To provide development that is identifiable and contributes to the existing <i>streetscape</i> character, development achieves all of the following:</p> <ul style="list-style-type: none"> a) entrances have a strong visual connection to the street b) ensure a high level of surveillance c) building frontages to streets provide interesting and attractive facades that positively contribute to the <i>streetscape</i> d) building frontage onto The Valley Avenue is to provide articulation in the building facade.

Element 25: Amenity

Rules	Criteria
25.1 Open space	
There is no applicable rule.	<p>C71</p> <p>Provide a landscape buffer along the southern <i>block</i> boundary parallel to The Valley Avenue that achieves all of the following:</p> <ul style="list-style-type: none">a) variety in vegetation species and sizesb) vegetation types and landscaping styles that complement the <i>streetscape</i> character, particularly street trees on The Valley Avenue, public spaces and reservesc) is appropriate to the bulk and scale of the development.

Precinct 4a – Southern transition

The following elements apply to precinct 4a shown in Figure 10.

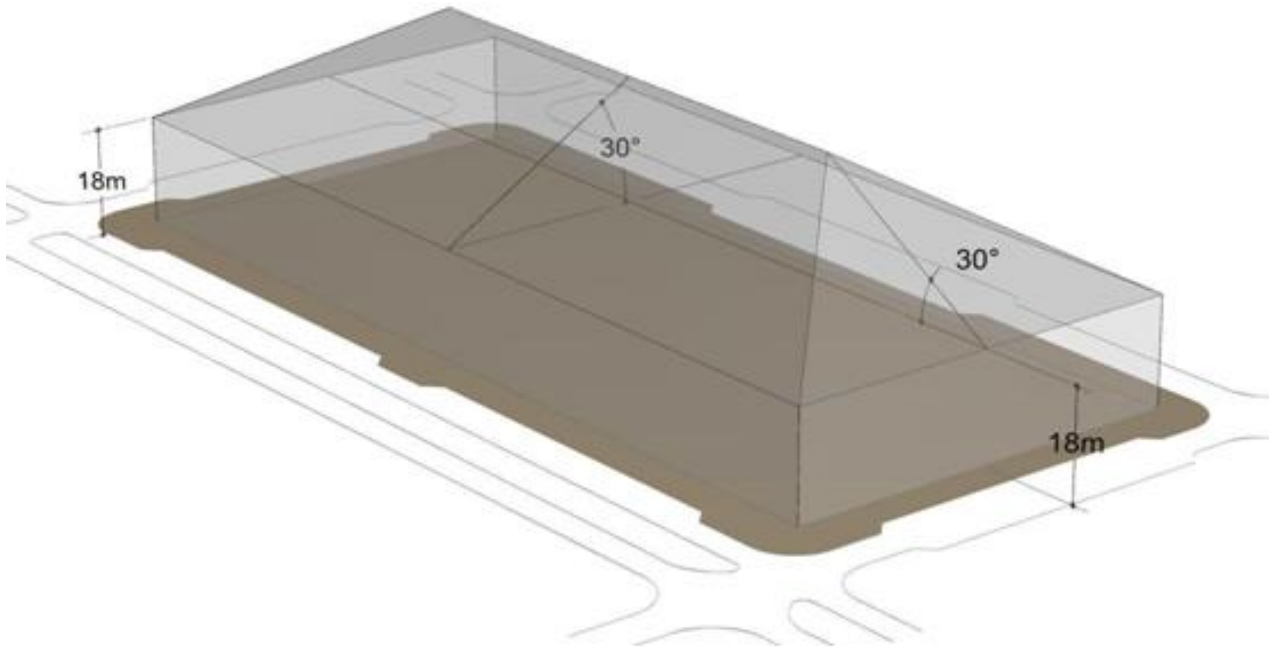
Element 26: Buildings

Rules	Criteria
26.1 Building envelope	
<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>This is a mandatory requirement. There is no applicable criterion.</p>
26.2 Redevelopment of sections 21 and 22 Gungahlin	
<p>R73</p> <p>Redevelopment, other than for a single <i>dwelling</i>, requires the amalgamation of a minimum of six (6) adjoining <i>blocks</i>. The resulting <i>block</i> is required to have a minimum area of 3000 m² and approximately equal frontage to both The Valley Avenue and Delma View.</p> <p>Note: Where <i>block</i> amalgamation is approved, registered Lease and Development Conditions for individual <i>blocks</i> are no longer considered.</p>	<p>C73</p> <p>Amalgamation of less than six (6) <i>blocks</i> is permitted where less than six (6) adjoining single <i>dwelling blocks</i> remain in a section and these adjoining single <i>dwelling blocks</i> are all amalgamated. The resulting <i>block</i> is required to have approximately equal frontage to both The Valley Avenue and Delma View.</p>
<p>R74</p> <p>Redevelopment of more than two <i>blocks</i> for other than a single <i>dwelling</i> is not permitted where it adjoins an existing single <i>dwelling</i> that has an existing or approved redevelopment on the other side boundary, unless the single <i>dwelling site</i> is included in the amalgamation of <i>sites</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R75</p> <p>Subdivision, amalgamation and boundary realignments of <i>blocks</i> resulting in single <i>dwelling</i> development is not permitted.</p>	<p>C75</p> <p>Minor boundary realignments to the side boundaries of redevelopment <i>sites</i> shared with single <i>dwelling blocks</i> is only permitted where the resulting development on the affected <i>blocks</i> is consistent with Rule R56 and Rule R57 of this Code.</p>
<p>R76</p> <p>Redevelopment shall not result in the reduction of the <i>dwelling</i> numbers on the subject <i>blocks</i> to below that the existing at the close of business on 30 November 2010.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<p>R77 Development is built to a minimum 4m <i>front boundary</i> setback to all street frontages.</p>	<p>C77 Minor encroachments into the front setback are permitted to allow for elements such as awnings, sun shading and roof overhang.</p>
<p>R78 Articulation is provided to a minimum depth of 2m behind the front setback to all street frontages for all <i>storeys</i> in the development.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>26.3 Bushfire</p>	
<p>R79 This rule applies to blocks or parcels in locations identified in Figure 18. Buildings are constructed in accordance with Australian Standard AS 3959 – Construction of buildings in bushfire-prone areas. Compliance with this rule is demonstrated by a report by a suitably qualified person.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 27: Built form

27.1 Building design	
<p>There is no applicable rule.</p>	<p>C80 Buildings are to contribute to the public realm that is safe and convenient by providing the following:</p> <ul style="list-style-type: none"> a) corner buildings are to provide focal points providing interest and variety b) building entrances are to be at grade with the adjoining verges or finished <i>site</i> levels to provide level building access c) entrances to commercial and residential uses are to provide a strong visual connection to the street d) entrances ensure a high level of surveillance.



Note: The following illustration shows a potential built form within the building envelope

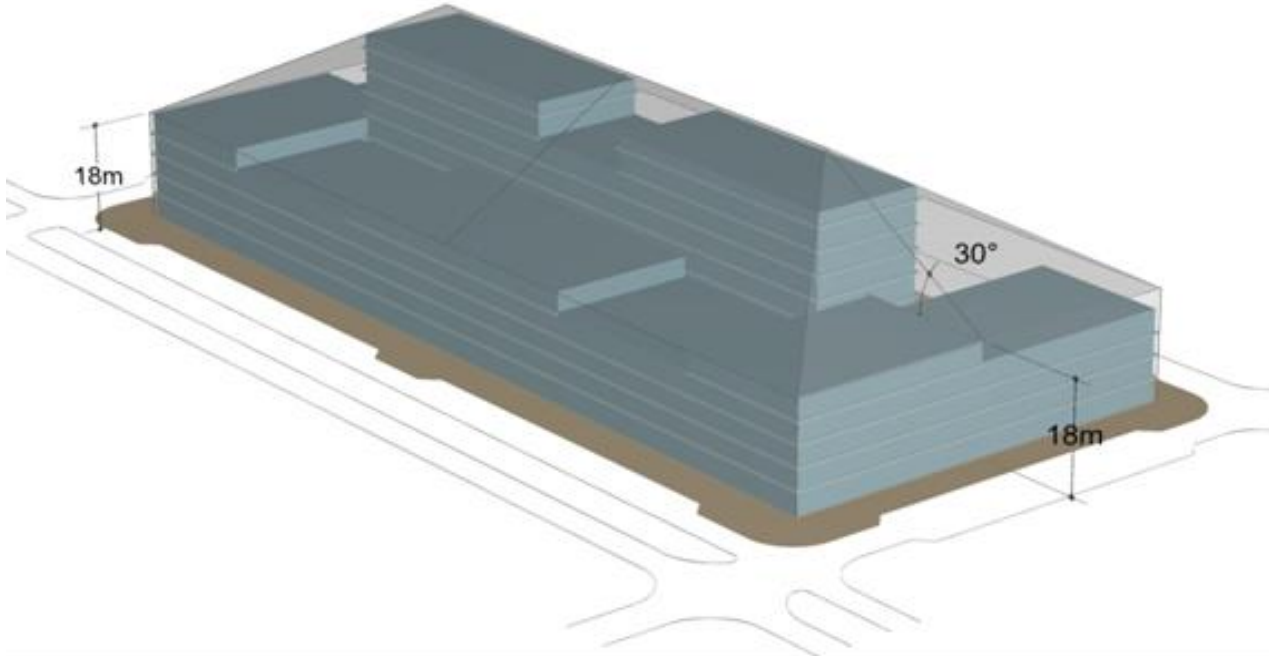


Figure 17 Building envelopes in Precinct 4a and Precinct 4b

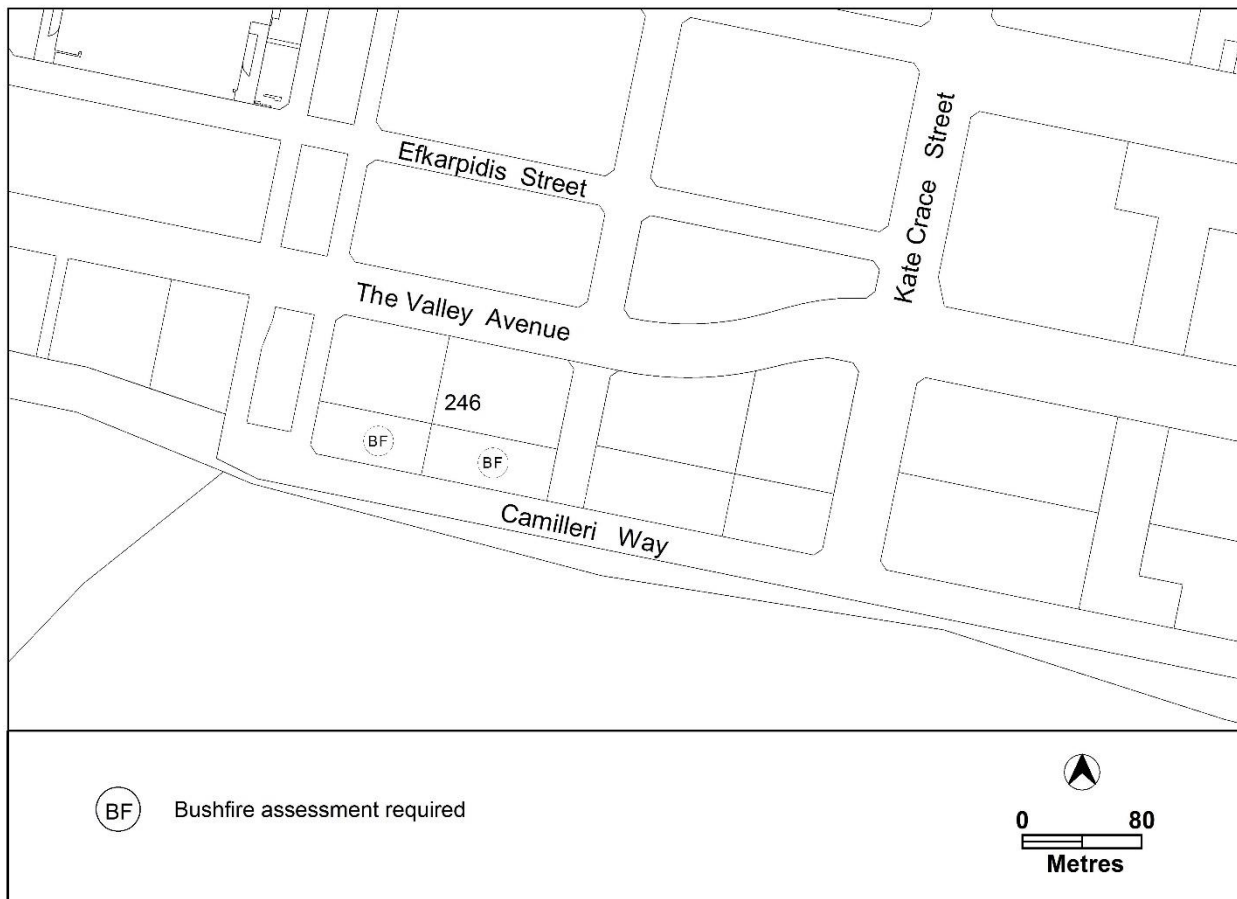


Figure 18 **Bushfire controls**

Precinct 4b – Northern transition

The following elements apply to precinct 4b shown in Figure 10.

Element 28: Buildings

Rules	Criteria
28.1 Building envelope and setbacks	
<p>R81</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>This is a mandatory requirement. There is no applicable criterion.</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>C82</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.

Element 29: Built form

Rules	Criteria
29.1 Building design	
<p>There is no applicable rule.</p>	<p>C83</p> <p>Buildings are to contribute to the public realm that is safe and convenient by providing all of the following:</p> <ul style="list-style-type: none"> a) corner buildings are to provide focal points giving interest and variety b) building entrances are to be at grade with the adjoining verges or finished <i>site</i> levels to provide level building access c) entrances to commercial and lobbies to residential use are to provide a strong visual connection to the street and ensure a high level of surveillance.

Rules	Criteria
<p>R84</p> <p>Where the building frontage incorporates commercial uses at ground floor, buildings must incorporate awnings that comply with the following:</p> <ul style="list-style-type: none"> a) cantilevered awnings for the full extent of the building frontage along main pedestrian areas and routes identified in Figure 11 b) awnings are to be a minimum of 3m in cantilever width c) awnings are to be a minimum height of 3m above finished pavement or ground level of the verge d) awnings are to be integrated into the building design at the first floor level. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

RC2 – Mixed use commercial development area

This part applies to blocks and parcels identified in area RC2 shown on the Gungahlin Precinct Map.

Element 30: Use

Rules	Criteria
30.1 Ground floor use	
<p>R85</p> <p>One or more of the following uses are not permitted above the ground floor:</p> <ul style="list-style-type: none"> a) <i>COMMUNITY USE</i> b) <i>craft workshop</i> c) <i>indoor entertainment facility</i> d) <i>indoor recreation facility</i> e) <i>NON RETAIL COMMERCIAL USE</i> f) <i>restaurant</i> g) <i>SHOP</i>. 	<p>C85</p> <p>Noise generating uses are located to minimise impacts on residential or commercial accommodation.</p>
30.2 Ground floor use – floor area limit	
<p>R86</p> <p>Where development includes one or more of the following:</p> <ul style="list-style-type: none"> a) <i>COMMUNITY USE</i> b) <i>craft workshop</i> c) <i>indoor entertainment facility</i> d) <i>indoor recreation facility</i> e) <i>NON RETAIL COMMERCIAL USE</i> f) <i>Restaurant</i> g) <i>SHOP</i> <p>the maximum <i>gross floor area</i> per establishment or tenancy is 200m².</p>	<p>C86</p> <p>The scale of leisure, recreation, community and commercial activities included with multi unit housing development achieves all of the following:</p> <ul style="list-style-type: none"> a) ancillary to <i>RESIDENTIAL USE</i> b) services the local residents only

Element 31: Buildings

Rules	Criteria
30.3 Number of storeys	
<p>R87</p> <p>The maximum number of <i>storeys</i> is 3.</p>	<p>C87</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) compatibility 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> <p>The maximum number of <i>storeys</i> is 4.</p>

Other ongoing provisions

This part applies to blocks and parcels identified as ongoing provisions (OPn) in the Gungahlin Precinct Map. It should be read in conjunction with the relevant zone development code and related codes.

OP1 – Gungahlin residential area

This part applies to blocks and parcels identified in area OP1 shown on the Gungahlin Precinct Map.



Figure 19 Gungahlin residential area ongoing provisions

[REDACTED]

November 17, 2019

We are concerned residents living close to Hamer Street, Gungahlin. Hamer Street is never mentioned in your documents and plans, and yet it abutts directly beside Manning Clark and the land in question for East Gungahlin, and will be severely impacted by whatever happens there. And yet, we have no idea what your plan is for this eastern end of the development.

Having endured more than two years of disruption, dust and noise during the road construction and Light Rail, when that land was used as a storage depot for absolutely everything from piles of dirt to heavy machinery and construction hardware, we are very concerned that now we will have 10 storey buildings towering over us, not to mention the new horrendous construction phase.

Comments close tomorrow, but we would like this email included in community feedback. We strongly object to ten storey towers close to Hamer Street, and would hope that as the development approaches Manning Clark, the height is reduced accordingly.

We had also hoped for more green space at the Manning Clark end of the land to make an adequate division between residential Gungahlin and town centre development and purpose.

At least you will keep the row of eucalyptus trees running between Manning Clark and Hamer Street, but it is hardly adequate as a green division and buffer zone. Perhaps you could plant it more densely with native shrubs and trees?

So the main point of this email is to ask you to respect the peace and lifestyle of the residents living nearby, who will be adversely affected by this Gungahlin East development.

We request you to consider reducing the height of buildings near Manning Clark and Hamer Street, and putting a green demarcation zone between the new development and us residents.

Thank you for your consideration of this email submission.

Yours sincerely, [REDACTED]

[REDACTED]

18 November 2019

Territory Plan Section
EPSDD
GPO Box 158
Canberra ACT
2601
terrplan@act.gov.au

Submission on Draft Variation 364 to the Territory Plan for the Gungahlin Town Centre

I write to register my concern with respect to Rule 36¹ of draft variation 364, and the consequential impact it has on housing affordability.

Commercial periphery allows taller buildings than the commercial core

For a long time I have wondered why the envelope captured in Figure 13 (Rule 36) of the Gungahlin Precinct Code has mandated a 30 degree incline towards the centre of the block, above 18 metres. What is the purpose of this planning control? What does the Government believe it achieves?

It goes without saying that Glavcorp assumes higher densities in town centres with access to good services and public transport is a public good.

To the best of my knowledge, such an envelope is not a very common feature in the ACT and certainly wasn't applied in the past in the so-called Gungahlin commercial area (precinct 2b).

It appears the 5 storey (18m) limit never applied there and for some reason the new height limits proposed in this draft variation allow taller buildings than those in the town centre.

So my first point is that it makes no sense to have taller buildings at the periphery of the town centre than in the town centre. And further, our view is that town centre should have taller marker buildings so people know it's the town centre.

¹ R36 – "All building elements, including lift overruns and roof top plant are contained within the building envelope controls shown in Figure 13" included at Attachment 3.

The current and proposed controls mandate smaller buildings in the town centre (commercial core) than in the commercial periphery (precinct 2b), directly across the road from single dwelling residential along Gundaroo Drive and Gozzard Street.

Additional height constraints in the commercial core

In addition to that, the shortest buildings allowed at the commercial periphery (precinct 2b) are 7 storeys, going up to 20 storeys facing the Gundaroo Drive/Mirrabei Drive intersection.

And yet in the commercial core, an 'unfettered height limit' of 5 storeys is allowed, with scope to build within the 30 degree sloping incline.

Some might think that an 18 metre height limited allows an unfettered 6 storeys, but the additional constraint created by the 30 degree sloping setback and the mandatory requirement for commercial on ground floor and level 1 (with the extra ceiling height requirement of commercial), means an unfettered 5 stories is all that is possible.

Whereas the *shortest* unfettered height in precinct 2b is 7 storeys. So the shortest building at the commercial periphery can be taller than the tallest buildings in the town centre.

Commercial required on level 1

The requirement for commercial on level 1 is itself a problem. While we understand that the government is trying to support employment opportunities with this requirement, applied inflexibly it simply adds more building cost. The requirement means that level one floor to ceiling heights must comply and be 3.6 metres in height rather than three metres, which means reduced GFA within the building envelope.

A quick walk around the town centre and Flemington Road where these rules also apply, will make clear that there is a glut of small commercial space. These provisions have created an oversupply of small commercial, *much of which sits empty*.

Could this expensive requirement be removed until demand for small commercial development catches up with supply? Along Anthony Rolfe Avenue the 3 storey townhouses have commercial/residential adaptability². This works very well. The market dictates what works in those townhouses and they frequently change between commercial and residential at the ground level. Why can that level of flexibility not be applied the same way in the commercial core?

² The Azure development at Kingston Foreshore also allows residential/commercial adaptability on the ground floor, which works very well.

I note a similar well-intentioned requirement for childcare provision on community facilities land in the town centre has now yielded 10 child care centres³ all struggling to survive due to low enrolments⁴.

Much like the requirement to have level one commercial, a well-intentioned policy applied inflexibly is leading to an adverse planning outcome - an oversupply.

With respect to mandating commercial on level one, ultimately those buying the dwellings carry the risk and cost of the commercial units not being sold or leased. Further diminishing housing affordability⁵.

Diminished housing affordability

In a competitive market, developers are incentivised to maximize yield.

So the practical effect of the 30 degree set back is to encourage developers to build additional dwellings within the 30 degree sloping setback envelope.

Let me be clear, this is what developers must do in a competitive market, after having bought market priced land, to be viable. Banks will not fund developments that are not viable. Unless a developer gets land at well below market price, maximizing yield is crucial for the viability of projects. If developers weren't constrained by the market, they would definitely avoid building in this part of the envelope. But they don't have that luxury in a competitive market.

So what has happened in our experience building the Uptown development on Block 7 Section 58, is we had to set back the 6th floor and setback 2 storey townhouses on the 7th and 8th floors to stay within the 30 degree envelope. These additional units (which sold well) got us over the bank's minimum yield requirements for finance, and allowed us to proceed with the development. That is, at 5 storeys the project was not viable.

The problem that this unusual sloping setback creates is that the setback levels within the sloping envelope are much more susceptible to a host of construction related problems.

Any building where rain falls on the slab above a living area, creates a host of problems that are complicated, costly and time consuming to resolve. And these ultimately make the dwellings in the whole development more expensive. [Attachment 1](#) outlines in more detail some of the building issues that arise from this situation.

³ Lavendar Lane, YMCA, one next to the YMCA (Block 5 Section 209), YWCA, Montessori in Big W building, one in Block 7 Section 58, one being built on Block 2 Section 59, government owned centre on Block 3 Section 28, one on Block 6 Section 209 next to Geocon building and one on Block 11 Section 18 above carwash).

⁴ Anecdotal information provided by the YMCA which is at the high quality end of childcare services (accredited by the Australian Childhood Foundation).

⁵ To elaborate, when a developer is forced to build something that cannot be leased or sold, the feasibility for that development must assume no return on those elements of the development. This means the risk associated with that additional cost, is born by the residential dwelling buyers. The purchasers of dwellings are paying more for the luxury of having empty commercial below them.

In summary, a random design element such as 30 degree sloping setback at 18m (rule 36) increases the likelihood of building quality issues and consequently has a significant impact on affordability.

Glavcorp worked with a high quality builders on this build⁶ to ensure all those building issues were comprehensively addressed, but such a planning control significantly increases the likelihood of building quality issues down the track.

And the design or aesthetic benefit of this sort of sloping set back are not at all clear.

This rule, especially when contrasted with the planning controls in precinct 2b, would probably explain why the town centre has developed more slowly than the precinct 2b. In our view this is an unfortunate outcome for the people of Gungahlin.

Application to smaller blocks

Glavcorp has also acquired another smaller site in the Gungahlin town centre (Block 1 Section 227). The application of sloping setback of rule 36 will even more significantly restrict what we build on this site. On any measure, this site will be in the middle of the town centre with absolutely no negative impacts on residential, only overshadowing closed parts of the adjoining club. And yet we will probably be restricted to 5 storeys with a setback 6th. Which strikes us as a poor outcome being about 100m from light rail.

With LVC and costs and delays associated with the new design review panel, we will struggle to make a development on the site viable without utilising every square metre of GFA.

And again that will have an impact on building cost, which in turn has an impact on affordability.

In summary, I would be grateful if you would consider removing the 30 degree sloping envelope (R 36) in the interests of building quality and affordability.

The removal of that height to be replaced with a building height that allows one roof across the whole footprint, will in a small but significant way support building quality and affordability.

Whether that hard height limit is at 5, 6, 7 or 8 stories is a separate matter. Taller buildings in town centres ultimately support affordability and access to services...but that is a separate matter.

One alternative might be to allow some flexibility in the interpretation of R 36 and perhaps allow a variation tolerance. This might give developers some scope to manage some of the challenges outlined.

⁶ Construction Control were the builders we worked with on this development. They built virtually all the commercial development at Canberra Airport and are currently building the ACT Government office building in Civic.

Invitation to walk through development

Noting that the specific impacts of Rule 36 are complex, Glavcorp would be happy if you were interested to walk you through the development to give you a 'hands-on' feel for the practical impact of some of the planning controls in place in the town centre.

Just let us know a time that suits you, and we'll be happy to arrange it.



Attachment 1

Main issues with building cost and building integrity arising from 30 degree building envelope sloping setbacks above 18m

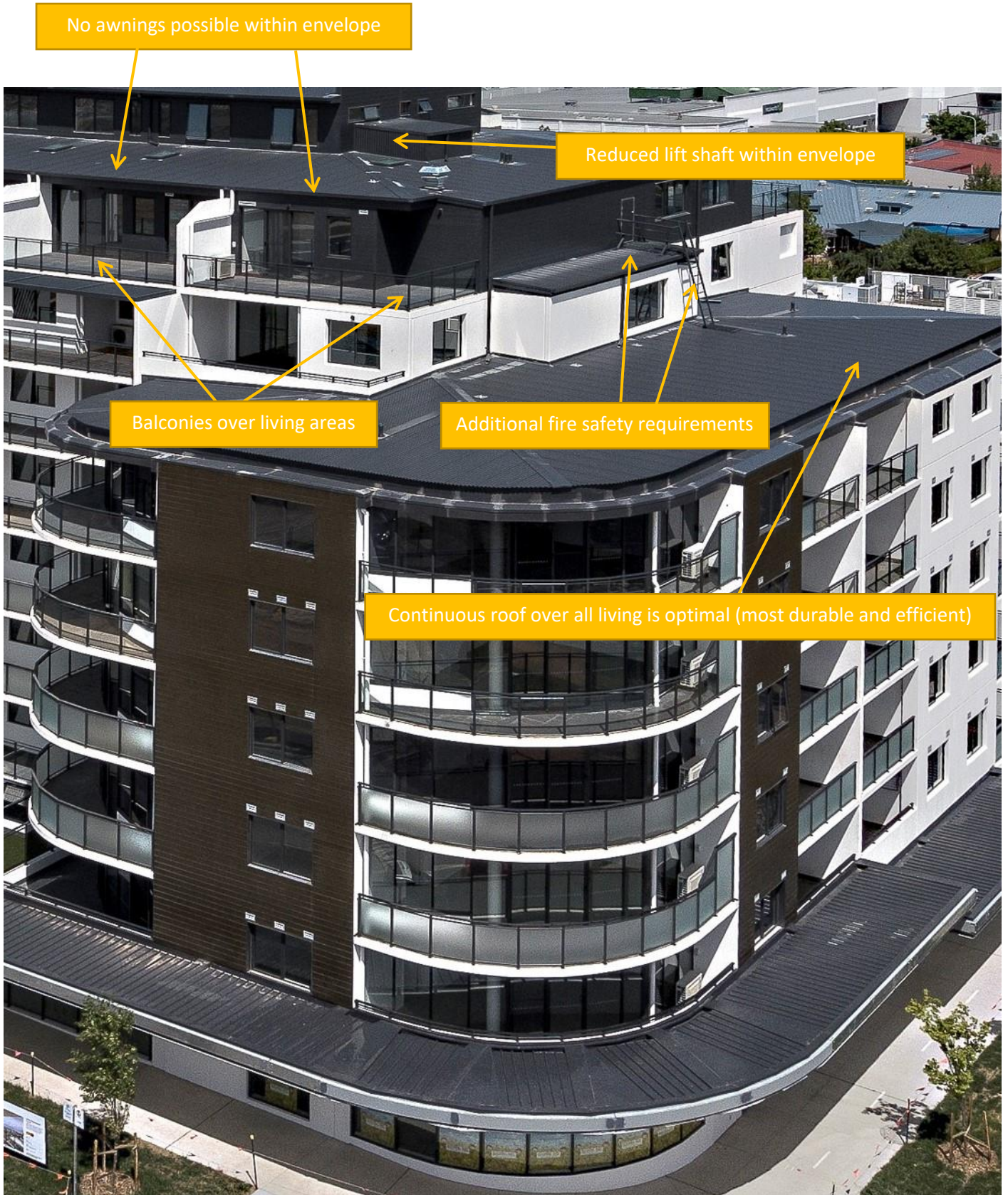
Main issues include the following:

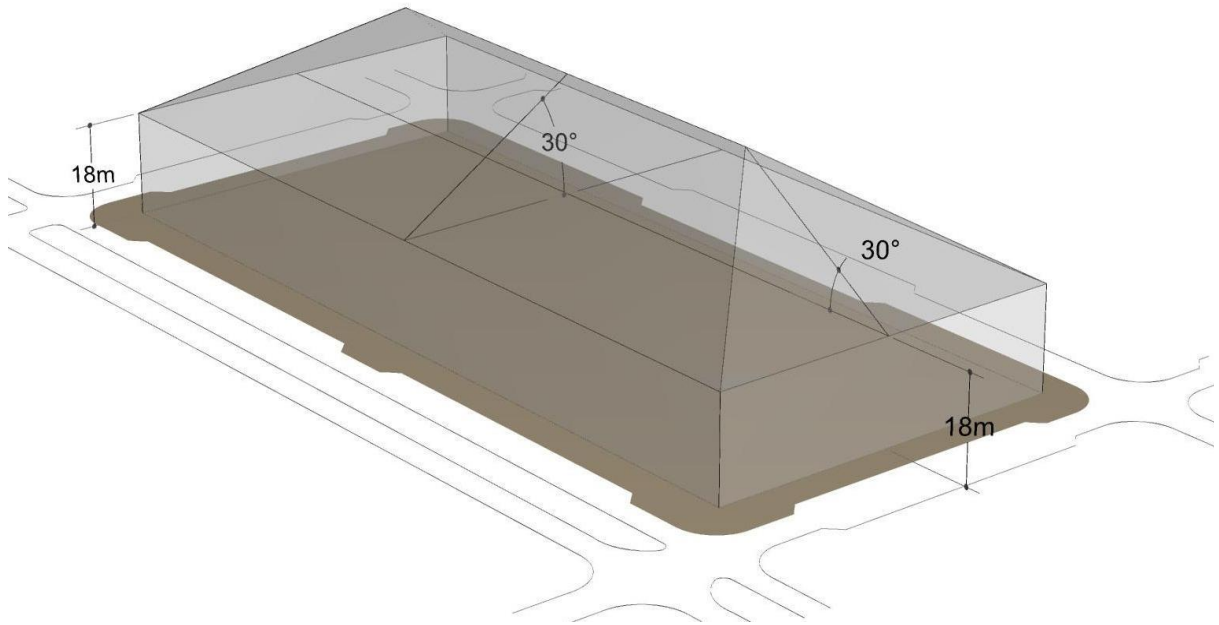
- Significantly greater scaffold costs
 - you need two sets – one for the 5 storeys and an additional setup for the rooftop townhouses on 6, 7 and 8 within the 30 degree setback element.
 - The scaffolding that sits atop the top slab creates a number of additional challenges for wet-sealing.
 - And you must maintain the outer, 7 storey scaffolding while the higher scaffolding is in place in order to have full protection for the lower level roof.
 - The additional cost to manage the scaffolding needs for the rooftop townhouses was in the order of \$150,000
- Achieving minimum required energy ratings on exposed balconies because the thermal mass of the slab heats the living area beneath, was in the order of \$2000/unit x 28 rooftop units = \$56,000
- More exposure to weather conditions – you'll be aware that Canberra is classified by the National Construction Code as an extreme climatic zone (classification 7). For the rooftop townhouses, who we cannot provide with eaves (because of the envelope), this means greater exposure to sun, wind and rain with all the commensurate impacts on materials especially waterproofing related materials. The additional waterproofing costs over living areas below balconies would be in the order of \$5000/unit x 28 rooftop units = \$140,000
- Fire safety integrity and compliance – you basically need a second fire safety regime to cover the rooftop town houses. An additional cost in the order of \$50,000
- Liveability in the top two levels is slightly diminished because since we are using the envelope the elevator shaft (which is usually plant that sits above the envelope) is not allowed, meaning townhouse owners must exit the lift at level 7 and walk up.
- The elevator shaft issue also means that all possible purchasers with mobility issues or disabilities are excluded from purchasing the rooftop units.
- Plant room – since we couldn't put the plant room on the roof space outside the building envelope, we needed to put it in the basement. While this doesn't cost more at the construction stage, it does ultimately add more to the running costs of the building over time since access is harder, its more dispersed in the basement and with more dispersed conduits and so on.

Examples of impact on affordability

- Just these additional expenses came in at \$396,000. This cost is ultimately born by the purchasers of the development.
 - So in broad terms these measure cost each unit owner approximate \$2900/unit (of total 138 units).
- And the mandatory commercial on the ground floor would have cost approximately \$2000/sqm to build (cold shell - no fitout) for 1600sqm which totals \$3.2m.
 - So the building of commercial when there is no demand for commercial (as was the case in our building initially) added about \$23,200 to the cost of each unit.

Attachment 2 - Uptown Development (Block 1 Section 58 Gungahlin)





Note: This illustration shows a potential built form within the building envelope

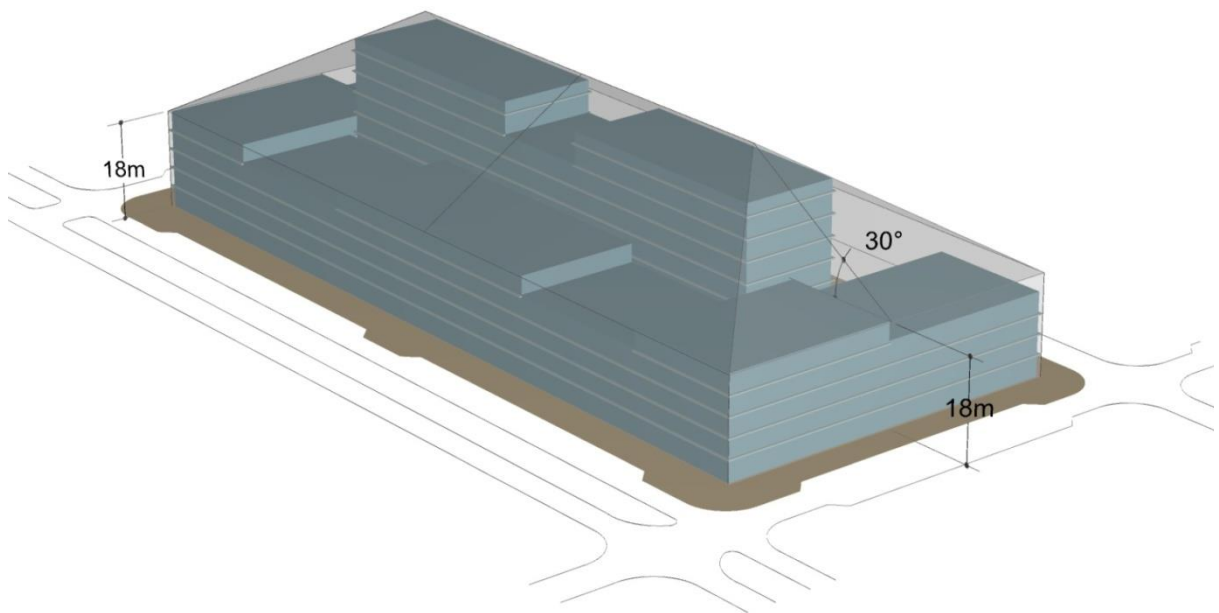


Figure 13 Building envelope in Precinct 1b

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

A large black rectangular redaction box covering the signature and name of the undersigned.

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 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 use 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> 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.</p>	<p><u>C62</u> Integrated building design for ground and upper level to promote a human scale for the pedestrians.</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

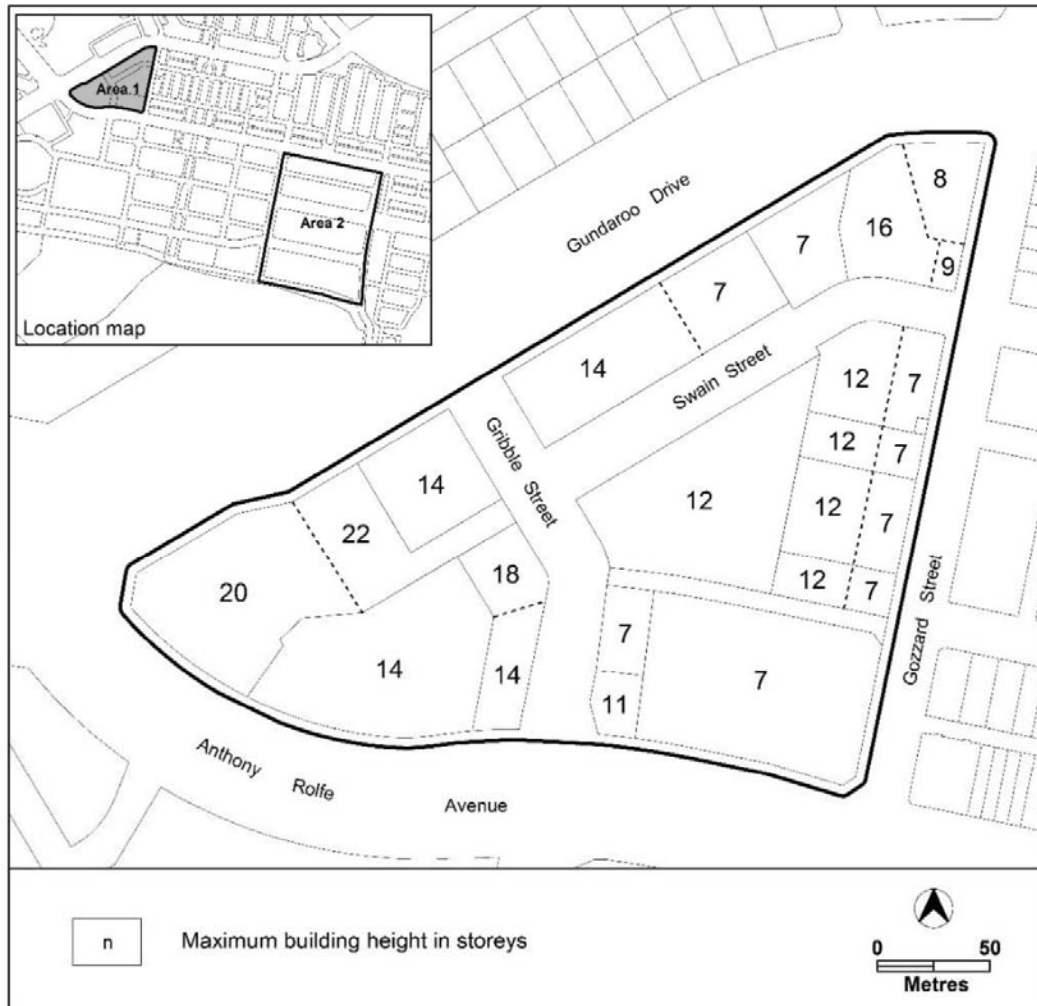


Figure 16 Maximum numbers of storeys in Precinct 2b



18 November 2019

Territory Plan Section
EPSDD
GPO Box 158
Canberra, ACT 2601

Dear Sir / Madam

DV364 Gungahlin Town Centre

Thank you for the opportunity to make comment on the Draft Variation to the Territory Plan DV364 Gungahlin Town Centre. The YMCA is a land holder in the town centre – specifically of Block 3, Section 224, within Precinct 2b - and has a particular interest in any proposed changes to planning requirements in the precinct. As a business within the precinct (operating a successful Early Learning Centre) we are also interested in the outcomes for the community and our clients.

The YMCA welcome Government's initiative in refreshing the planning code relating to the Town Centre. Recent developments and the introduction of light rail have made it clear that the existing planning code and previous master planning for the area no longer reflect current demand in terms of development types, existing and anticipated traffic, or the positive impact of light rail on adjacent development potential and the increased opportunities to enhance active travel.

I note the proposed change to Part B of the Code, and specifically to the requirements for buildings in Precinct 2b. The YMCA is concerned that proposed new controls relating to building podiums, new setback requirements and new building height restrictions will have a minimal impact on the overall built form for the precinct (given that most blocks are either now developed, under construction or approved), leaving a few remaining sites to 'bear the brunt' of the new controls. In particular, the proposed new height controls appear to unfairly restrict development on the remaining few landholders, in comparison to neighbouring blocks that have had proposals approved under the previous Code.

The previous criteria allowing buildings in excess of 23 metres compatible with adjacent development as long as the design met the other criteria elements allowed for new buildings to be consistent with the desired planning outcomes, reflecting the existing urban context, scale and form, while also promoting design that limited any detrimental impact on adjacent and neighbouring dwellings. The removal of those applicable criteria unfairly limits development on the remaining sites, with minimal impact on the now predominate heights of buildings in the precinct.

In particular, the limiting of building height on Block 3, Section 224, to 7 storeys fronting Gundaroo Drive – a wide and busy road – has no impact on the solar amenity of residences to the north who are unaffected by overshadowing of buildings across to the south. Similarly, taller development on block 3 within the section will have minimum impact on those sites adjacent and to the south with existing approved 14, 16 and 12 storey buildings.

YMCA CANBERRA

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T 02 6232 4285 E admin.canberra@ymca.org.au
Canberra.ymca.org.au

We submit that the draft variation be amended to reinstate the existing criteria for building height, and include similar criteria for setbacks and podium height, to allow future developments to be consistent with the now predominate building form in the North Western 2b precinct.

Please do not hesitate to contact me if I can provide any further information regarding the comments we have provided.¹⁸

I look forward to hearing the outcomes of the public consultation.

Yours sincerely,

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18 November 2019

Territory Plan Section
EPSDD

By Email: terrplan@act.gov.au

RE: DRAFT VARIATION TO THE TERRITORY PLAN NO 364 GUNGALIN TOWN CENTRE – PROPOSED AMENDMENTS TO THE GUNGALIN PRECINCT MAP AND CODE

Knight Frank Town Planning has been engaged by Goongarline Properties Pty Limited and Ginninderra Properties Pty Limited to comment on Draft Variation 364 Gungahlin Town Centre (DV364). Goongarline Properties Pty Limited are the Crown Lessees of the 'Marketplace Gungahlin' located on Blocks 1 & 2 Section 9 Gungahlin and Ginninderra Properties Pty Limited are the Crown Lessees of 'Marketplace Gungahlin' on Blocks 2-5 Section 14.

Our client acknowledges the ACT Government's commitment to Town Centres and supports the review of the statutory planning context affecting development in the Gungahlin Town Centre. DV364 takes into consideration the role of the Gungahlin Town Centre and how development should be guided in the future to ensure a unified approach to the precinct.

Our client understands that the purpose of the ACT planning system is to guide, rather than prevent change in an area and supports development that complements and enriches its surroundings whilst recognising the role of Gungahlin as a 21st century Town Centre within the context of an increasingly cosmopolitan Canberra.

Built Form

The draft criterion **C6** requires development to '*reinforce, enhance and address public transport stops and active travel routes to create active spaces for pedestrian activity*' and '*enhance and promote active interface between buildings and the public domain*'. As noted in Goongarline's submission on the Gungahlin Town Centre Planning Refresh, the Marketplace Gungahlin is located adjacent to the light rail stop and the Gungahlin Bus Station. Modifications to existing buildings such as Marketplace Gungahlin may face impossible difficulties in meeting this criterion, as their original design invested in developing a built environment that reflected the opportunities and constraints of the rules and criteria in place at that time. This generic statement is applicable to all buildings located adjacent to public transport stops with little guidance on existing buildings. Recognition of how such criteria may impact existing buildings needs to be included and modifications of structures predating this variation allowed for. We respectfully request that DV364 be amended to clarify that this control only applies to new buildings.

The draft Rule **R11** requires '*development adjacent to a public transport bus and light rail station shown in Figure 6 (we note that reference is made to Figure 5 but believe this is an error and should be Figure 6) to include one or more of the following (uses): shop (not more 200m²), business agency; restaurant.*' Whilst acknowledging the presence of a criterion (which appears to be incomplete), the reference to shop limited to 200m² is problematic for existing buildings located adjacent to a public transport bus station as there are already a number of approved shops that would be in excess of 200m², particularly in the CZ1 core zone. We query what the position of the Authority will be on the existing buildings. We respectfully request that this rule should not apply to modification or development of existing buildings which are within CZ1 and adjacent to public transport stops as it would conflict with a large amount of existing developments and with Rule 24 of Part B of the Gungahlin Precinct Code which requires each section have at least one large retail anchor.

Active Frontages

The draft **Rule 19** makes reference to a varied Figure 9 which changes the Hibberson Street frontages of Sections 11 and 12 from mandatory active frontage to partial active frontage. This variation would effectively remove the requirement for comprehensive pedestrian access at verge level and allow greater lengths of blank wall facing Hibberson Street. We strongly believe that Gungahlin Town Centre main street must retain active frontages on the ground level with high rates of porosity for pedestrians using this area. We believe that while this variation may enable short-term development incentives associated with flexibility, this is far outweighed by the potential benefit of having consistently appealing, porous and interactive Hibberson Street frontages for the four core sections of Gungahlin.

Office Accommodation

The reasoning behind redefining the office precincts to mixed use living and urban residential as a consequence of the residential growth in the north-west of the Town Centre is understood.

Our client has invested significantly in the Town Centre in recent years and has a long-term interest in the ongoing viability and operational capacity of the Centre. Developing a strong and diverse economy is essential to creating more resilient Town Centres. It is worth noting that recent Commonwealth decisions regarding employment/office space in Gungahlin is such that, a rapid and immediate change of built character is unlikely; new builds will occur gradually as market demand dictates.

Draft **Rule 41** requires two blocks (*Blocks 3 and 5 Section 231*) will be exclusively for the development of commercial office and ancillary use. Mandatory Rule **R42** requires these blocks be reserved exclusively for office use until 1 January 2023 or until such time as nominated in writing by the relevant authority. Mandatory rule **R42** introduces the potential for these two blocks to be redeveloped for uses other than office prior to 1 January 2023. The objective of introducing this expiry date and the permission for the relevant authority to revoke the rule is unclear. We strongly support facilitating long-term commercial office development in the Gungahlin Town Centre. We consider it an imperative that **R42** be removed so that **R41** may operate without expiry or removal other than by Territory Plan Variation.

General Notes

- **Rule 11** refers to Figure 5 but we believe this is an error and should be Figure 6;
- **Rule 12** refers to Figure 6 but we believe this is an error and should be Figure 7;
- **Rule 13** refers to Figure 7 but we believe this is an error and should be Figure 8;
- **Rule 18** states the buildings must incorporate *clear display windows or shop fronts*, we believe this should read similarly to R17 and R19 as *clear display windows and shop fronts*; and
- **Rule 79** refers to Figure 20A but we believe this is an error and should be Figure 18.

[Redacted signature line]

Yours sincerely,

[Redacted name]

[Redacted title]

[Redacted contact information]

25 November 2019

Gungahlin Town Centre Planning Refresh
Project Team
Via Email: gungahlin@act.gov.au

Dear Sir or Madam,

Submission on Territory Plan Draft Variation 364 Gungahlin Precinct Code

The Master Builders Association of the ACT (**Master Builders**) appreciates the opportunity to make a submission on Territory Plan Draft Variation 364 to the Gungahlin Precinct Code.

The authority's initiative in recognising the need to refresh the planning policy within the Town Centre is commended, as the character of the Centre has changed since its inception, particularly the development of the North West Precinct and the introduction of light rail to the Centre.

We consider that the changes being implemented to the North West Precinct are not reflective of the building fabric that is established in this part of the Centre, and the new controls unfairly disadvantage undeveloped blocks within this Precinct.

We have reviewed the changes to controls and identified some concerns in relation to the impact these changes will have on Lessees within the Gungahlin Town Centre.

These matters include:

- Interim effect of the Draft Variation
- Comments on changes to general controls
- Comments to changes to precinct specific controls

These matters are discussed in turn below.

Interim effect of the Draft Variation

With the Draft Variation having interim effect, no proposal can proceed other than in accordance with the draft variation until the variation is finalised.

After a substantial time, and despite multiple efforts, there were no potential large office or institutional development requirements within the Town Centre.

We are aware that a number of Lessees of land within the Town Centre responded to current tenders on the basis of Territory Plan rules prior to the introduction of Draft Variation 364; and with the interim effect of this instrument a number of these proposals are no longer valid or able to be progressed, as the scale of development required can no longer be achieved on these sites.

This seems to be counter to the interests of the Town Centre to establish and attract employment opportunities.

It is questioned whether the introduction of the Draft Variation with interim effect has been conceived prematurely, as changes between the controls proposed in the Draft Concept Precinct Code and the Draft Variation were not subject to public consultation prior to the release of Draft Variation 364 with interim effect on 30 September 2019.

General Controls

Nominated public car parking sites

Rule 12 (Figure 7 of the Code) identifies Section 11 Gungahlin as a nominated site for the provision of public carparking. This is a prime development site within a short walk of the light rail terminus.

It is considered onerous to burden a future Lessee with a requirement to provide this additional parking, given that the block has a defined building envelope that limits development opportunities on the site and there is significant cost associated with delivering car parking facilities (whether at grade, subterranean or in podium levels).

Car parking is a permissible use in the 'CZ1 – Core' zone, and it is expected that any commercial development located in the retail core would include publicly available car parking, and this provision would achieve the same outcome for the Town Centre.

If Government is serious about changing transport behaviours and promoting a compact and efficient city focused around public transport, the retention of nominated public parking areas appears to be counterintuitive.

Restrictions on driveway access

It is unclear how this rule is to be interpreted and applied in relation to vehicle access to sites within the areas nominated on Figure 8 of the Code.

Active frontage requirement along Gribble Street

Blocks 3 and 6 Section 2 and Block 6 Section 88 Gungahlin are the only undeveloped (or underdeveloped) blocks left within the North West precinct, and the introduction of partial active frontage controls along Gribble Street would appear to have limited effect.

Landscaping for developments with residential components

Under rule 21, rather than setting a percentage requirement for soft landscaping, it is suggested that alternative design outcomes can be proposed that achieve the same urban heat island mitigation outcomes (such as large canopy trees that span over hard landscaping areas).

Precinct specific controls

Precinct 1b

Rule 35 specifies a mandatory restriction on residential and serviced apartment use to above the first floor only. It is suggested that these uses be restricted at ground floor only. Ancillary components of residential and serviced apartment developments such as access, lobbies/foyers, concierge, parking and services associated with these uses appear to currently be prohibited at ground and first levels. The rule needs to be reconsidered to allow design components that will facilitate these uses to operate.

Precinct 2b

Again noting that there are very few remaining blocks undeveloped (or underdeveloped) within the North West precinct, the specific controls introduced for this precinct that relate to active frontages and setbacks will have limited impact on the built form given that most development has occurred and the built form and urban design character of the area has now been established.

This changes disproportionately impact the few remaining blocks within the Precinct and impact the ability of these sites to achieve a comparable built form outcome to surrounding developed blocks.

[Redacted signature line]

Yours sincerely,

[Redacted signature block]

[Redacted line]

[Redacted line]



Gungahlin Community Council Inc.
PO Box 260 Gungahlin ACT 2912

29 November 2019

Territory Plan Section
EPSDD
GPO Box 158
Canberra ACT 2601

terrplan@act.gov.au

Submission in Response to ACT Territory Plan Draft Variation 364 (Gungahlin Town Centre Planning Refresh)

Introduction

The Gungahlin Community Council (GCC) welcomes the opportunity to provide a response to Draft Variation (DV) 364¹ as part of the Gungahlin Town Centre Planning Refresh² (the TC Refresh).

The GCC approached the Environment, Planning and Sustainable Development Directorate (EPSDD) in November 2016 regarding issues documented in “Getting Development Right for the Town Centre – The Gungahlin Residential Towers Story” available from the GCC website³ and published in edition #143 of the GCC newsletter⁴. Although, building height in West Gungahlin (precinct 2b) was the major issue identified in this correspondence, there were concerns with the aggregate impact of multiple developments(particularly related to traffic and solar access), the provision of open space, pedestrian and cycle access to and through the town centre, and the apparent lack of a cohesive strategy to develop the Gungahlin town centre consistent with the published master plan.

EPSDD initiated the TC Refresh in response to the concerns raised by the GCC, with a focus on three key issues:

- building height and character;
- upgrading and enhancing public spaces; and
- walking, cycling and road transport.

¹ <https://www.legislation.act.gov.au/ni/2019-641>

² <https://www.yoursay.act.gov.au/gungahlin-town-centre-planning-refresh>

³ <https://gcc.asn.au/getting-development-right-for-the-town-centre-the-gungahlin-residential-towers-story/>

⁴ [https://gcc.asn.au/Gunsmoke/GCC_Gunsmoke_143_\(Online\)%20\(1\).pdf](https://gcc.asn.au/Gunsmoke/GCC_Gunsmoke_143_(Online)%20(1).pdf)

Executive Summary

The GCC believes the concerns regarding the height of development within the Gungahlin Town Centre have been (belatedly) addressed in DV364 and therefore supports the proposed changes related to building height and form (notably the proposed rules R45, R46 and R61).

Other changes proposed in DV364 do not have the support of the GCC as they entrench the notion of Gungahlin as a dormitory district with a small employment base and limited services as detailed below.

Deletion of the Description of the Gungahlin Town Centre

DV364 proposes deleting the description of the Gungahlin Town Centre, ie. Removing this paragraph

Gungahlin Town Centre is the major hub for employment, shopping, social activities and public transport particularly serving suburbs within the Gungahlin district.

The GCC interprets this as a statement that the ACT government, through EPSDD, is abandoning their efforts to develop the Gungahlin Town Centre as a major hub and is pursuing the development of Gungahlin as a dormitory district with a small employment base and limited services.

The GCC strongly recommends that the following description be retained:

“Gungahlin Town Centre is the major hub for employment, shopping, social activities and public transport particularly serving suburbs within the Gungahlin district”.

Reduction of the Total Space Reserved for Commercial Development

The significant reduction of the total space reserved for commercial development (from 100,000m² to 65,000m²) proposed in DV364 are of great concern to the GCC. Further, the very short period of time over which this space is reserved reinforces a perceived lack of commitment to the development of the Gungahlin Town Centre as a major hub. The proposed Rule 41 states (in part):

“Block 3 and 5 Section 231 will be exclusively for the development of commercial office and ancillary use”.

And the proposed Rule 42 states:

“Rule 41 applies until 1 January 2023 or, until such time as nominated in writing by the relevant authority”.

The GCC shares the concerns of the Suburban Land Agency (SLA) which noted in the Consultation Notice⁵:

“The SLA are interested to understand what commercial and retail studies have been undertaken that would show a change to Gungahlin Town Centre operating as a commercial/retail hub over the next twenty years that would water down this provision”.

The EPSDD response to the SLA’s concern indicates the decision to reduce the amount of space reserved for commercial use was based simply on “the historical trend of commercial supply in the town centre”. The commercial reality of the lack of demand for new office space, particularly from the Commonwealth Government, and the competition provide by other town centres and the airport, means that for the Gungahlin Town Centre to be developed as true town centre the ACT government must take a much more proactive role to promote commercial development. This would reduce commuter travel, build the capacity of Gungahlin businesses, enhance the retail sector and provide a greater return on investment on major infrastructure investments such as Light Rail.

It is unacceptable to simply convert commercial space into residential as this provides a short-term financial return to the government, and no little or no benefit (short or long term) to the community. It is strongly

⁵ <https://www.legislation.act.gov.au/View/ni/2019-641/current/PDF/2019-641.PDF>

opposed by Gungahlin residents as indicated by initial responses to the GCC's 2019 Community Survey⁶ - from 385 responses as of 28 November 2019:

- 49% of respondents want “No more residential in the Town Centre”
- 29% of respondents want “25% residential and 75% business and community services in the Town Centre”

The GCC strongly recommends that the existing reservation of 100,000m² for commercial space be retained and the ACT government explore mechanisms to develop/attract more commercial interest in Gungahlin.

Repurposing of precinct 2a from “Office Core” to “Mixed Use East”

The repurposing of precinct 2a from “Office Core” to “Mixed Use East”, opens the door to further residential development in the town centre at the expense of other facilities including commercial, business, retail, entertainment and community use. The unexpected transition of precinct 2b from “Office Park” (as originally scoped in the precinct code) to “Mixed Use North West” (as proposed by DV364) has not enjoyed broad support from Gungahlin residents. Residents are justifiably concerned that a similarly poor-quality outcome may result from applying similar “mixed use” criteria to the Gungahlin Town Centre East precinct (2b) and the weak enforcement of the intent of these criteria.

It is acknowledged that DV364 improves the design criteria for precinct 2b more in line with community expectations, however many of these are unlikely to be applied in the next few decades given that most of the blocks within this precinct have had Development Applications approved under the existing precinct code.

Moreover, GCC is concerned that DV364 appears to have been no attempt to modify the Gungahlin Town Centre precinct code to accommodate the very significant increase in population density as a result of the high-rise residential towers constructed and under construction in precinct 2b. This include provisions for improved road infrastructure, access to green space and improved walking and cycling access to/from and through precinct 2b.

“Walking, cycling and road transport” is one of the three focus areas of the TC Refresh, and DV364 includes very little change to improve any of these aspects in the Gungahlin Town Centre. In fact, DV364 proposes that the road network hierarchy and pedestrian and cycle network be removed from the precinct plan (currently Elements 1 and 2) despite specific message from the community identified in the TC Refresh consultation report⁷ that speak to the importance of these to the overall experience of the town centre , ie.

- *There was significant concern about increasing traffic congestion as a result of the continuing growth of the town centre. Traffic flow and intersections also need to be improved.*
- *There are concerns that parking supply is not meeting short and long term demand.*
- *Safety for pedestrians, cyclists and motorist needs to be improved.*
- *There is strong support to improve the pedestrian and cycling network both within and into the town centre*

The GCC recommends that the further residential (mixed-use) development be minimised (not maximised) as part of DV364 in precinct 2a.

The GCC recommends that DV364 incorporate provision for improved road infrastructure, better access to green space and improved walking and cycling access to/from and through precinct 2b.

The GCC recommends that the road network hierarchy and pedestrian and cycle network elements of the precinct code be retained as part of DV364 to reflect the recommendation above and updated to address the community feedback from the TC Refresh.

⁶ <https://gcc.asn.au/survey2019/>

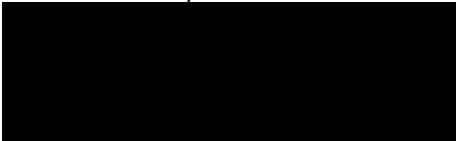
⁷ https://www.yoursay.act.gov.au/download_file/2936/612

Community Facilities as Equivalent Floor Space

The concept of providing community facilities within a “community facility zone” as “equivalent floor space within a mixed use development” as proposed by DV364 requires further explanation. It is unclear to the GCC how the proposed 3.8 hectares will be distributed, guaranteed, sustained and preserved over time, how this community space will be balanced with community space outside the town centre to ensure the needs of Gungahlin residents are met, and what the Community Need Assessment process will encompass.

The GCC recommends that additional explanation be included in DV364, or referenced by DV364, that outlines the mechanism that will enforce the equivalent floor space/community zone concept.

Yours Sincerely

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Submission on Territory Plan Draft Variation 364 Gungahlin Precinct Code

Thank you for the opportunity to make comment on Territory Plan Draft Variation 364 to the Gungahlin Precinct Code.

The authority's initiative in recognising the need to refresh the planning policy within the Town Centre is commended, as the character of the Centre has changed since its inception, particularly the development of the North West Precinct and the introduction of light rail to the Centre.

We consider that the changes proposed to the planning requirements for the North West Precinct are inconsistent with the building fabric that is established in this part of the Centre that have responded to market demand for higher density mixed uses. The new controls unfairly disadvantage undeveloped blocks within this Precinct.

We have reviewed the controls and identified some concerns in relation to the impact these controls will have on Lessees within the Gungahlin Town Centre.

These matters include:

- Interim effect of the Draft Variation
- Changes to Desired Planning Outcomes
- Changes to general controls
- Changes to precinct specific controls

These matters are discussed in turn below.

Interim effect of the Draft Variation

We request that the Interim effect of the Variation is reconsidered. With the Draft Variation having interim effect, no proposal can proceed other than in accordance with the draft variation until the variation is finalised.

This interim affect will impact on a number of projects currently in progression and could further impact on the viability of the Town Centre. After a substantial time, and despite multiple efforts, there were no potential large office or institutional development requirements within the Town Centre.

There a number of Lessees of land within the Town Centre that have prepared design and in current commercial tenders on the basis of the current Territory Plan rules prior to the introduction of Draft Variation 364. The interim effect of this instrument will be that a number of these proposals are no longer valid or not be able to be progressed due to the impact of the controls on the scale and viability of development required can no longer be achieved on these sites. This is not in the interest of the Town Centre to establish and attract employment opportunities.

It is questioned whether the introduction of the Draft Variation with interim effect has been conceived prematurely. Changes between the controls proposed in the Draft Concept Precinct Code and the Draft Variation were not subject to public consultation prior to the release of Draft Variation 364 with interim effect on 30 September 2019.

Desired Planning Outcomes

Support employment in Gungahlin Town Centre

We note that desired planning outcome (n) of the Precinct Code is to support a strong employment base in the district of Gungahlin, and that the Draft Variation alters this outcome to “provide for a range of employment in the Town Centre”.

As there are still sites located within the former Business Park precinct that could be considered for development as an integrated mixed use or commercial offering, it is considered that reducing the importance of this planning outcome for the Town Centre is counter to ACT government objectives to attract commercial development to establish Gungahlin and may deter commercial opportunities currently under consideration or in future.

General Controls

Nominated public car parking sites

Rule 12 (Figure 7 of the Code) identifies Section 11 Gungahlin as a nominated site for the provision of public carparking. This is a prime development site within a short walk of the light rail terminus and should be retained for this purpose.

Given ACT government transport and planning policy to promote active travel and public transport use, this control could undermine the achievement of this policy objective.

Furthermore, it is considered onerous to burden a future Lessee with a requirement to provide this additional parking, given that the block has a defined building envelope that limits development opportunities on the site and there is significant cost associated with delivering car parking facilities (whether at grade, subterranean or in podium levels).

Car parking is a permissible use in the ‘CZ1 – Core’ zone, and it is expected that any commercial development located in the retail core would include publicly available car parking, and this provision would achieve the same outcome for the Town Centre.

If we are serious about changing transport behaviours and promoting a compact and efficient city focused around public transport, the retention of nominated public parking areas appears to be counterintuitive.

Restrictions on driveway access

It is unclear how this rule is to be interpreted and applied in relation to vehicle access to sites within the areas nominated on Figure 8 of the Code. Further the interplay or difference between rules 13 and 14 is also unclear.

Rule 14 is considered redundant given its interplay with criteria 14, and it is suggested that criteria 14 could instead serve as criteria 13 and remove rule/criteria 14 completely.

Active frontage requirement along Gribble Street

Blocks 3 and 6 Section 2 and Block 6 Section 88 Gungahlin are the only undeveloped (or underdeveloped) blocks left within the North West precinct, and the introduction of partial active frontage controls along Gribble Street would appear to have limited effect.

Landscaping for developments with residential components

Under rule 21, rather than setting a percentage requirement for soft landscaping. This should be outcome focus rather than specific measures, It is suggested that alternative design outcomes can be proposed that achieve the same urban heat island mitigation outcomes (such as large canopy, green roof, trees that span over hard landscaping areas).

Precinct specific controls

Precinct 1b

Rule 35 specifies a mandatory restriction on residential and serviced apartment use to above the first floor only. Ancillary components of residential and serviced apartment developments such as access, lobbies/foyers, concierge, parking and services associated with these uses appear to currently be prohibited at ground and first levels. The rule needs to be reconsidered to allow design components that will facilitate these uses to operate.

Precinct 2b

Again noting that there are very few remaining blocks undeveloped (or underdeveloped) within the North West precinct, the specific controls introduced for this precinct that relate to active frontages and setbacks will have limited impact on the built form given that most development has occurred and the built form and urban design character of the area has now been established.

Furthermore, the height controls indicated in Figure 16 of the Code do not reflect what has been built in this location and impose height restrictions on sites where these did not previously exist. The previous criteria in the Precinct Code allowing development compatible with adjacent development as long as it met the other criteria elements enabled new buildings to be consistent with the urban context. The removal of applicable criteria unfairly limits development on remaining underdeveloped sites, and impacts their viability.

These changes disproportionately impact the few remaining blocks within the Precinct and impact the ability of these sites to achieve a comparable built form outcome to surrounding developed blocks.

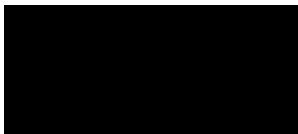
Summary

It is noted that some of the changes to the Precinct Code under the Draft Variation impacts some existing Lessees within the Town Centre that are yet to develop their blocks.

These changes limit their development potential compared to what could previously be achieved on their blocks, which was the planning context against which these Lessees acquired their land.

Further, this outcome provides an unfair advantage to the neighbouring developed blocks that were sold at the same time and subject to the same planning controls. These developed blocks are unaffected by the Draft Variation.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.A black rectangular redaction box covering the contact information of the sender.

From: [REDACTED]
To: [Terrplan](#)
Subject: Re: Community Feedback: Gungahlin DV364 – Minimum 20 Billion Square Metres Commercial Offices, Large Government Departments needed
Date: Monday, 18 November 2019 12:49:07 PM

Dear ACT Territory Planning

Please change Gungahlin DV364 Proposal to include Minimum 20 Billion Square Metres Commercial Offices, Large Government Departments as the current Proposal is ridiculously small and there is huge demand for Commercial Offices in Gungahlin near the Light Rail.

I and my colleagues are looking for office space for 10,000 personnel for our staff in Gungahlin but cannot find accommodation large enough for staff. Please build multiple Commercial Offices for 10,000 staff in Gungahlin.

Gungahlin DV364 and Commercial Complex must include 20 storeys of Commercial Offices and Business Parks. Gungahlin already has the lowest Office Space per resident of all Town Centres despite being the fastest growing region in ACT.

Belconnen has Home Affairs and ABS, Woden has Health and Tuggeranong has DHS and DSS but offices and large Government Departments are missing and need to be added to Gungahlin immediately.

Territory Plan 364 must be amended so that Billions of Square Metres of Business Parks and Offices are added to Gungahlin.

The ACT Government shamelessly scrapped the plan for Gungahlin Business Park on Gundaroo Drive in favour of apartments. This must stop as Light Rail Trams from City to Gungahlin are empty due to no Offices in Gungahlin resulting in waste of taxpayers money.

Gungahlin is the fastest growing region in ACT but lack of offices and employment is killing Gungahlin. More large Business Parks are needed in Gungahlin urgently and billions of square metres of Office Space must be added immediately.

Cheers



ACT
Government

GUNGAHLIN TOWN CENTRE

PLANNING REFRESH – SNAPSHOT

NOVEMBER 2018



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INTRODUCTION

The Gungahlin Town Centre Planning Refresh Snapshot package has been prepared as a summary of work to date and to document recommendations for the future planning and development of the Gungahlin town centre. The Snapshot package includes two documents: the Snapshot (this document); and a Concept Variation to the Territory Plan's Gungahlin Precinct Map and Code that documents the Snapshot's recommendations and how they might translate into the Territory Plan.

The Gungahlin town centre has grown substantially in recent years, attracting new residents, businesses and investment, and importantly has the introduction of light rail. With this growth set to continue into the future, the Planning Refresh is timely to set a planning framework that appropriately responds to and directs this growth and change.

This document (the Snapshot) provides a summary of the analysis and community input from the Gungahlin Town Centre Planning Refresh work undertaken over the last 12-18 months and provides recommendations. The Planning Refresh work has focused on the following three key themes which also respond to key community comments:

- building height and character
- upgrading and enhancing public spaces
- walking, cycling and road transport

The Concept Variation to the Territory Plan's Gungahlin Precinct Map and Code document that forms part of this package, is for information and consideration and provides an indication of how the recommendations could be translated into the Territory Plan. A formal Territory Plan variation process will follow in 2019. This will provide the community with an opportunity to provide further comment on the planning for the town centre.

The study area of the Gungahlin town centre planning refresh is shown in Map 1. The town centre forms part of the suburb of Gungahlin.

Map 1. Study Area



BACKGROUND AND ANALYSIS

The original planning vision for the Gungahlin town centre in the mid 1990s was for a low scale urban village with maximum 4 storey buildings across the centre.

In 2010, the Gungahlin Town Centre Planning Report documented considerations of whether planning was producing the desired outcomes for the town centre and the community. The key recommendations of this 2010 Planning Report that informed the Variation to the Territory Plan No. 300 (2011) were:

- Maintaining Gungahlin town centre’s distinctive ‘urban village’ character.
- Identifying two office precincts; an office park in the north-west, and office core in the east of the town centre with large sites and flexible planning provisions to attract government departments.
- Prohibit residential uses and serviced apartments in the office core.
- Increasing building heights and introducing building envelopes to minimise overshadowing, bulk and scale in the office core precinct.

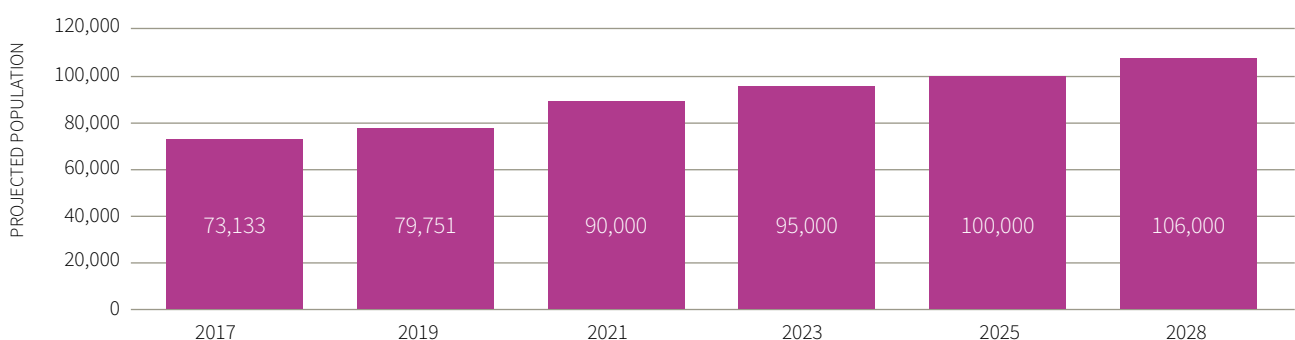
- Increasing building heights and introducing building height criteria for the office park precinct.
- Reserving 200,000m² for commercial office floor space distributed in two separate precincts (Office park and Office core) to accommodate 10,000 office jobs to encourage more employment in Gungahlin.

Since 2010, the Gungahlin town centre has continued to grow and evolve. There has been higher demand and growth for residential development within the town centre, compared to commercial development. Much of this residential growth has occurred in the office park precinct in the northwest of the town centre, as the Territory Plan’s Commercial CZ2 Business zoning allows residential uses, along with commercial uses.

Based on projections by ACT Government in 2017, by 2028, the residential population of the Gungahlin District is expected to be around 106,000 (Graph 1).

Graph 1: Gungahlin District Resident Population Projection (excluding Hall)

Source: ACT Government, 2017



In 2016, the suburb of Gungahlin had a population of 6,330 people and employed 4,100 people (Table 1).

Table 1: Gungahlin population and employment (excluding Hall)

	1991	1996	2001	2006	2011	2016
Gungahlin District (population)	100	12,295	24,180	32,385	48,000	72,130
Gungahlin Suburb (population)	0	0	0	3,460	5,865	6,330
Gungahlin Suburb (all employment)	0	0	750	1,650	2,650	4,100
Gungahlin District (all employment)	2,520	4,470	5,810	6,750	12,720	14,800

Source: Australian Bureau of Statistics (ABS) census data

Note: Gungahlin Suburb contains the Gungahlin Town Centre and surrounding residential areas and is bounded by Horse Park Drive, Gundaroo Drive, Anthony Rolfe Avenue and Gungahlin Drive. The suburb also includes part of Yerrabi Pond and Mulangari Grassland Nature Reserve

Historically, Gungahlin town centre has experienced a limited demand of commercial office space. By way of comparison, commercial floor space per district population and documented in Table 2, Gungahlin has the lowest commercial floor space ratio of 0.2655m² per resident.

Table 2: Office Floor Space and Employment - ACT 2016

DISTRICT	GUNGAHLIN (INC. MITCHELL)	TUGGERANONG	BELCONNEN	WODEN VALLEY	ACT
Resident Population (1)	72,132	85,968	97,830	35,377	403,486
Employment (2) (people)	14,800	19,920	30,215	24,530	235,000
Commercial office floor space m ² (3)	19,152	148,874	196,980	183,941	2,371,460
Commercial office m ² /resident (Net Lettable Area)(3)	0.2655	1.7317	2.0135	5.1995	5.8777

Source: (1) Estimated resident population, Australian Bureau of Statistics data, (2) Australian Bureau of Statistics and ACT Government data (3) Property Council of Australia (PCA), 2016 data

Note: Commercial office floor space excludes space used for retail, service, industrial and trade.

Whilst the Gungahlin Town Centre Planning Report (2010) predicted 200,000m² of commercial office floor space would be required over the long term, by 2016 approximately 13,500m² of commercial office floor space in the suburb of Gungahlin, with an additional 5,500m² elsewhere in Gungahlin district including Mitchell had been taken up. This is predominately small scale offices. As a consequence, the prediction made in 2010 for the town centre has not been realised.

Employment and commercial office space will continue to grow and be distributed throughout Gungahlin district into the future. However, for the purposes of the Planning Refresh, a number of assumptions and projections have been made including nominally allocating all the district's future commercial office space to the Gungahlin town centre.

It is now expected that employment in commercial (small scale) office uses in the town centre will increase by an additional 16,000m² to reach 35,000m² by 2028.

On the basis of the above district commercial office spaces per resident ratios, the Planning Refresh recommends a more informed total commercial office floor space target in the town centre of 100,000m² over the long term. This target takes into account the opportunities that light rail will present and the amount of undeveloped land available in the town centre.

The 100,000m² target equates to approximately 1m² of commercial office space per resident in Gungahlin district.

As such, 65,000m² is now targeted for large scale office development (e.g. public administration). This development should be located in close proximity of the light rail. The Planning Refresh also recommends the floor space target be monitored and reviewed after five years.



COMMUNITY ENGAGEMENT

Community engagement has been an important part of the Planning Refresh. Community engagement commenced on 1 March 2017 and concluded on 4 May 2017. Engagement focused on the three key issues for the Planning Refresh:

- building height and character
- upgrading and enhancing public spaces
- walking, cycling and road transport.

A range of engagement activities were undertaken to gather input from local residents, businesses, those who use the town centre and the broader Canberra community. Engagement included the Your Say website, a Meet the Planners session, a stakeholder workshop, a 'Planning in the Pub' session, youth workshops, quick polls and email submissions. The community engagement is summarised in the Gungahlin Town Centre Planning Refresh - Community Engagement Report.





KEY MESSAGES FROM THE COMMUNITY

BUILDING HEIGHT AND CHARACTER

- There were mixed views about increasing building heights in the town centre.
- Support for retaining the current building heights noting concern about traffic congestion, bulk and scale; overshadowing; privacy; and the interface with existing developments.
- Support for increasing building heights noting that the town centre character was changing; design quality was more important than building height; the need for additional marker buildings; and the strong demand for residential development.

UPGRADING AND ENHANCING PUBLIC SPACES

- Additional public spaces and open space are wanted by the community in the town centre, including active and passive recreation spaces and pocket parks.
- Public spaces should be well designed with amenity including landscaping, seating, shade, recreational activities, playgrounds and opportunities for community activities and good access.
- The amenity of Gungahlin Place needs to be improved, including landscaping, seating and shade.

WALKING, CYCLING AND ROAD TRANSPORT

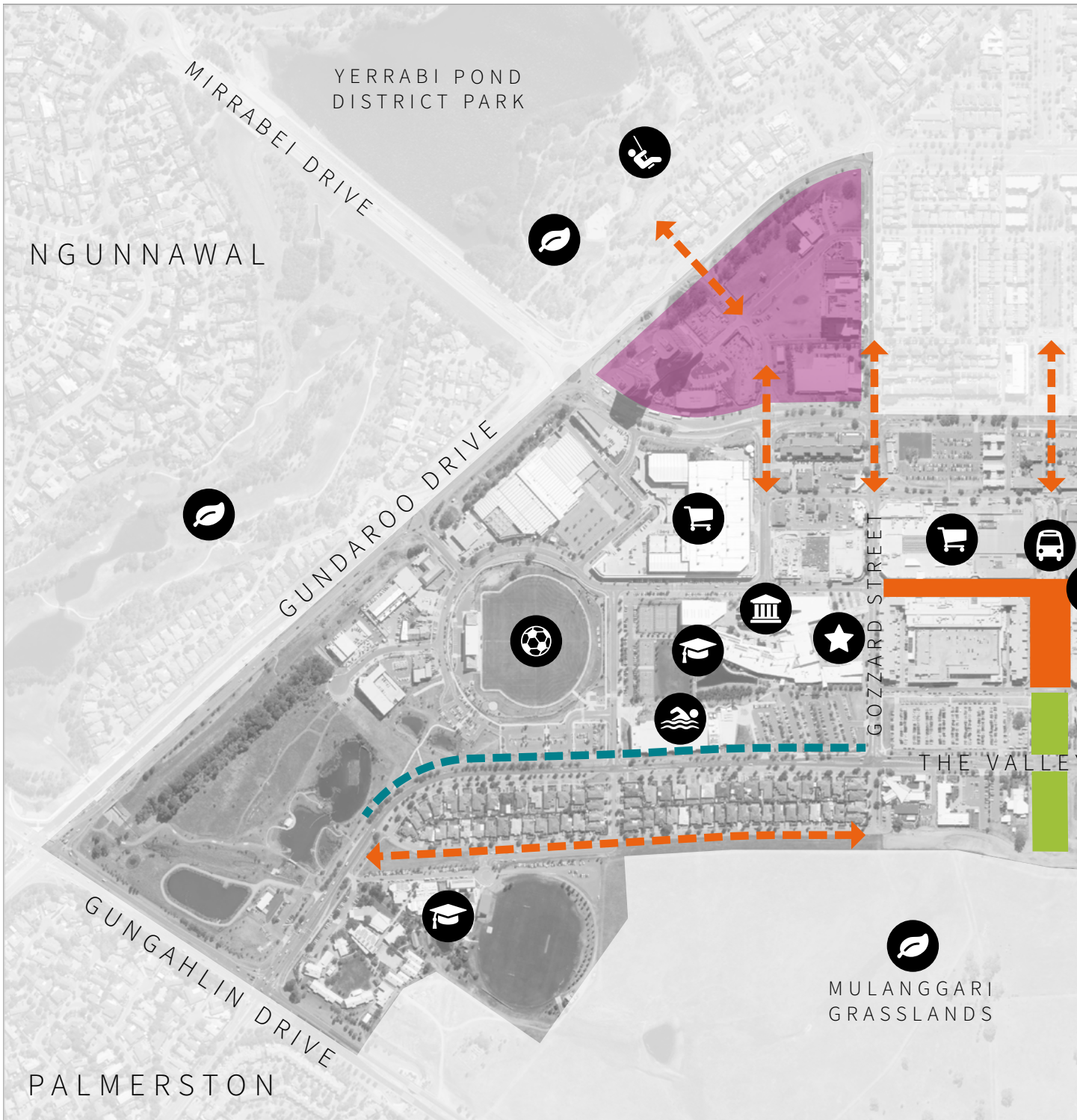
- There was significant concern about increasing traffic congestion, as a result of the continuing growth of the town centre. Traffic flow and intersections also need to be improved.
- There are concerns that parking supply is not meeting short and long term demand.
- Safety for pedestrians, cyclists and motorist needs to be improved.
- There is strong support to improve the pedestrian and cycling network both within and into the town centre.

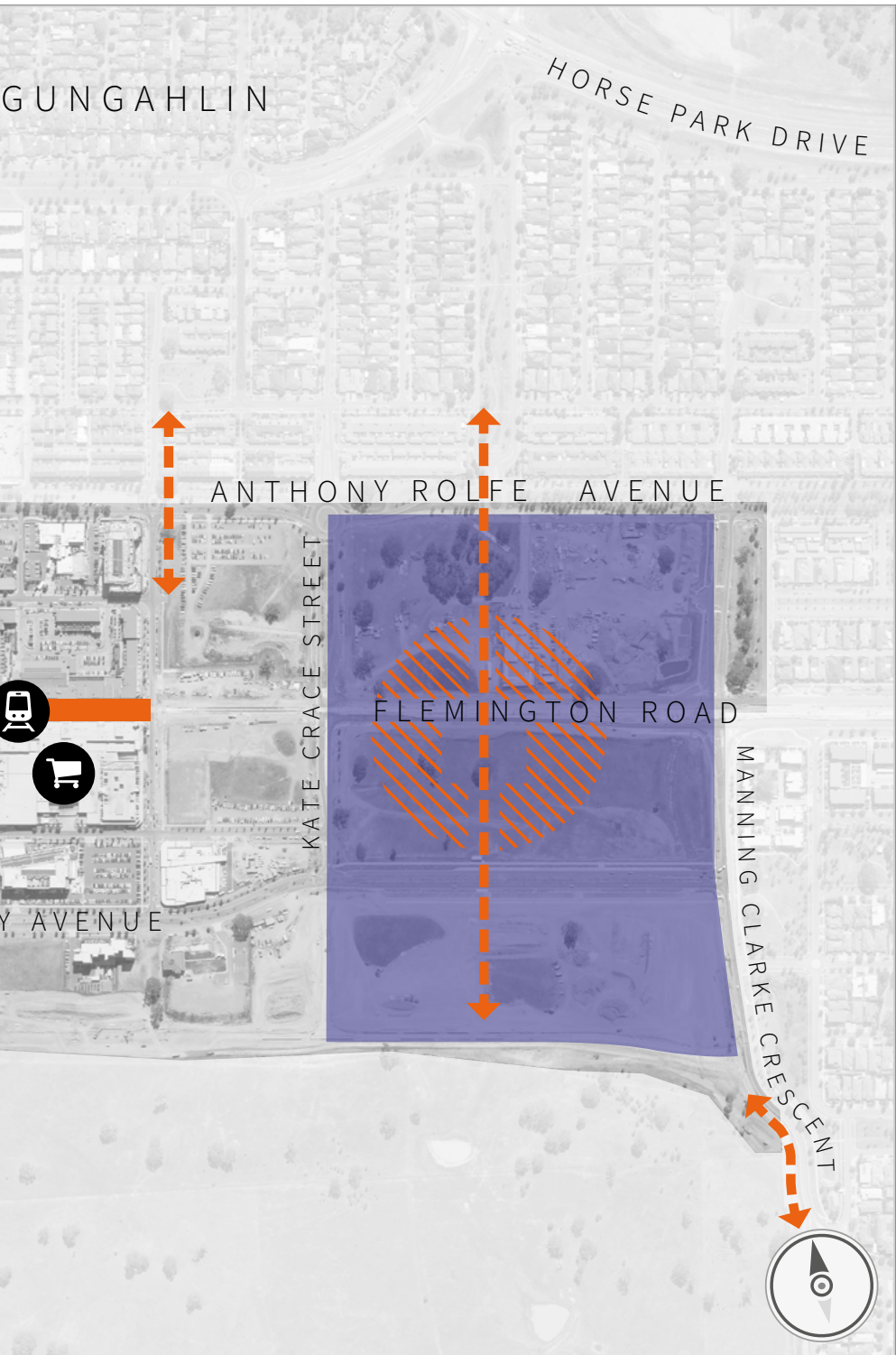
Further details about the community engagement are provided in the Gungahlin Town Centre Planning Refresh Community Engagement Report, available www.yoursay.act.gov.au.

KEY RECOMMENDATIONS

Map 2 shows the key recommendations of the Planning Refresh. The recommendations for each theme are discussed in further detail in this snapshot.

Map 2. Key recommendations





LEGEND

- Proposed building height changes for new development
- Proposed building height changes and introduce residential uses
- Improvements to pedestrian amenities
- Active travel network connections proposed
- Future public space improvements
- Committed public space improvements
- Review the location of community facility sites
- ★ Undertake place audit
- 🛍️ Shopping centre / mall
- 🌳 Open space
- 🎓 School / college
- 📖 Gungahlin library
- ⚽ Sports facility
- 🏊 Aquatic centre
- 🌳 Yerrabi pond district park
- 🚊 Gungahlin light rail station
- 🚌 Gungahlin bus station

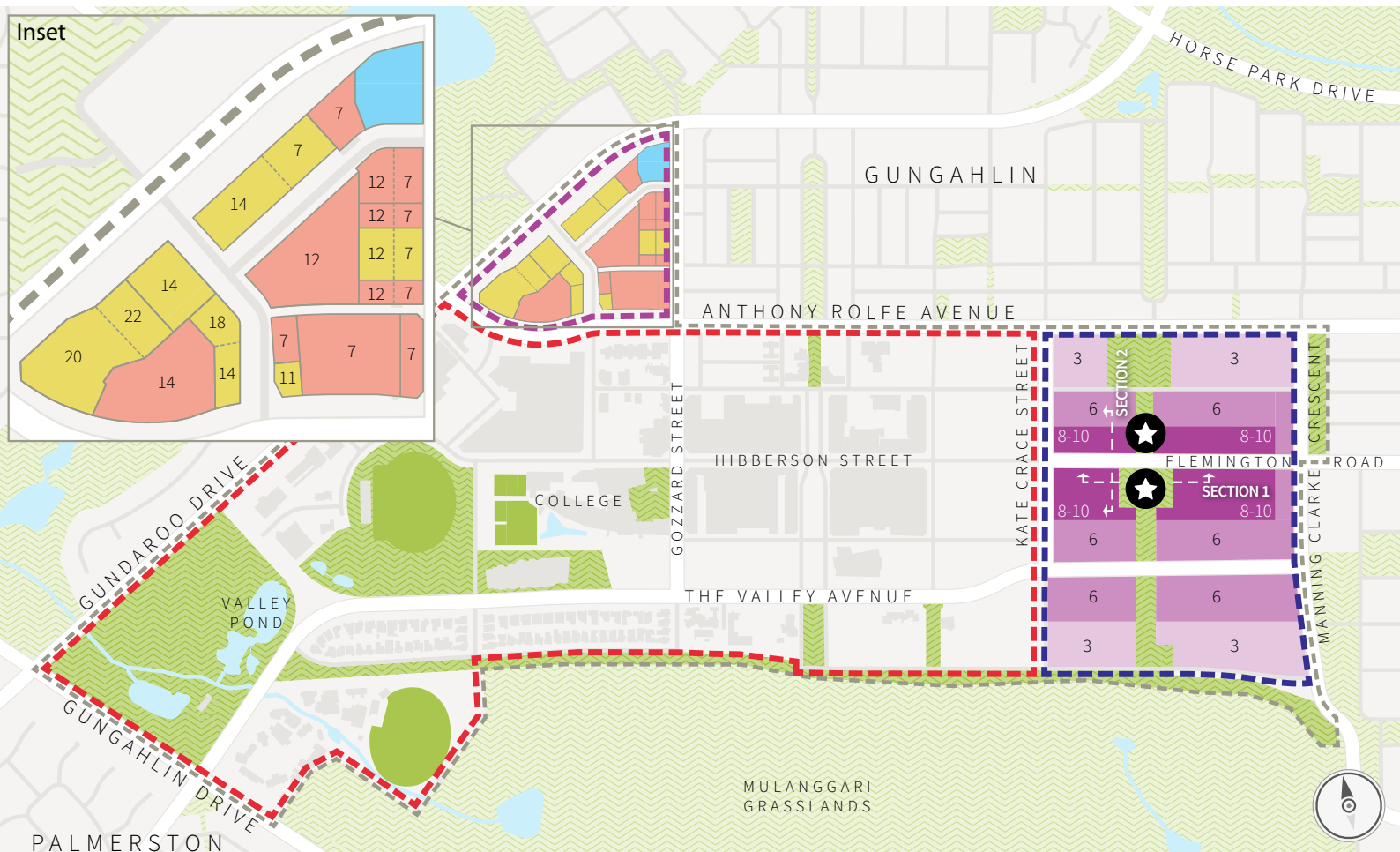
BUILDING HEIGHT AND CHARACTER RECOMMENDATIONS

The Planning Refresh provides an opportunity to review and refine building heights, design and land use in the Territory Plan's Gungahlin Precinct Map and Code to support light rail and changes to the strategic planning context of the town centre.

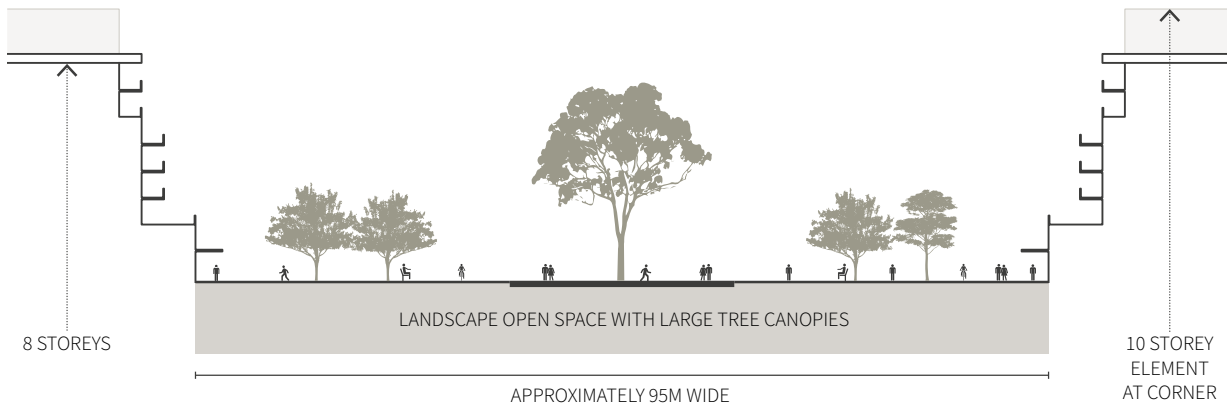
The Planning Refresh work has found that for much of the Gungahlin town centre, the building heights and land use currently provided by the Territory Plan's Gungahlin Precinct Map and Code are still appropriate. However, for two precincts, change is necessary. The two areas are highlighted in Map 3.

The recommendations relating to the two precincts are outlined in the following pages, with Gungahlin East changes graphically represented in section 1 and 2, the north-west urban residential precinct changes described on page 13 and indicated in Map 3.

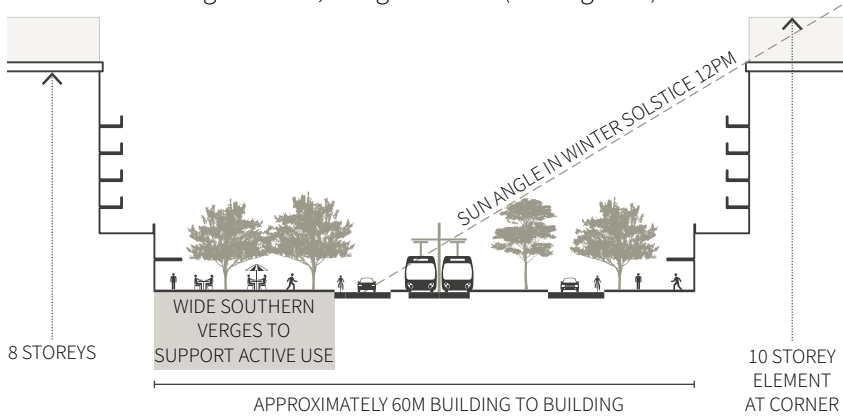
Map 3. Proposed building height














Section 1: Proposed linear open space, Gungahlin East (looking north)



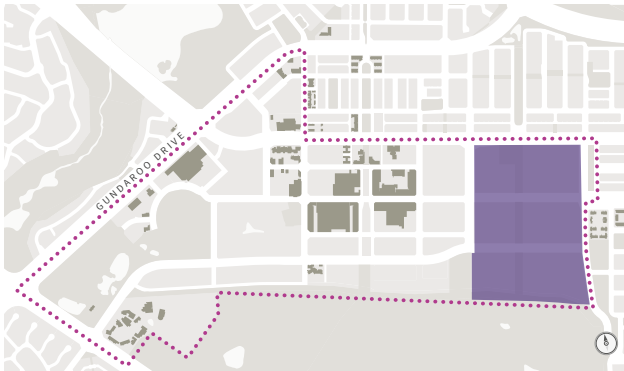
Section 2: Flemington Road, Gungahlin East (looking west)



LEGEND

-  Study Area
-  Urban residential precinct
-  Gungahlin east precinct
-  No proposed changes to Territory Plan to vary existing building heights
-  Restrictions on residential development along linear park and Flemington Road
-  8-10 8-10 storeys
-  6 6 storeys
-  3 3 storeys
-  7 Approved height in storeys
-  7 Recommended height in storeys
-  On 5 September 2018, a development application for Blocks 4 and 5 Section 224 Gungahlin was approved with conditions. Approval is for two buildings – 8 and 16 storeys in height.

GUNGAGHLIN EAST PRECINCT



This precinct is currently vacant undeveloped land. A number of factors have changed since the 2010 Planning Study indicating that it is time to reconsider the role and character of this precinct.

The first significant change for this precinct, is the addition of a light rail stop along Flemington Road at Manning Clark Crescent.

The Territory Plan's Gungahlin Precinct Map and Code currently identifies this precinct as being primarily for office development, retail and other employment.

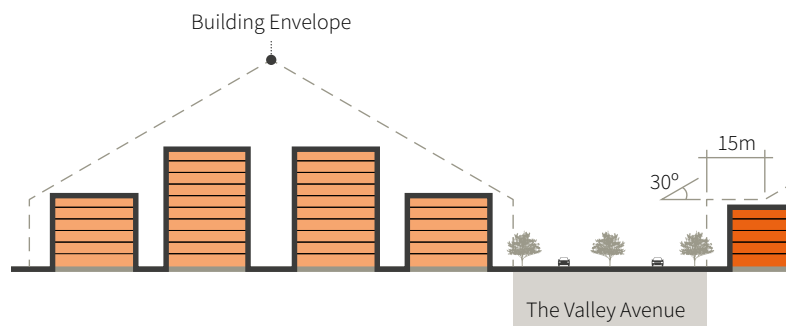
Residential development is prohibited. This provision was put in place in response to significant community desire for more employment in the town centre in 2010.

Presently building height in Gungahlin East is controlled through building envelopes in the Territory Plan (Map 4 and Section 3). It is proposed to replace this with maximum height controls (Map 5 and Section 4).

CURRENT

Building envelopes set overall design parameters for the development. However, this results in a building that steps away and steps back from the street. Depending on the width of the block, the development may potentially result in higher elements towards the middle of the block, as graphically represented in this section. The development's final building height can only be determined through the detail design stage for the building.

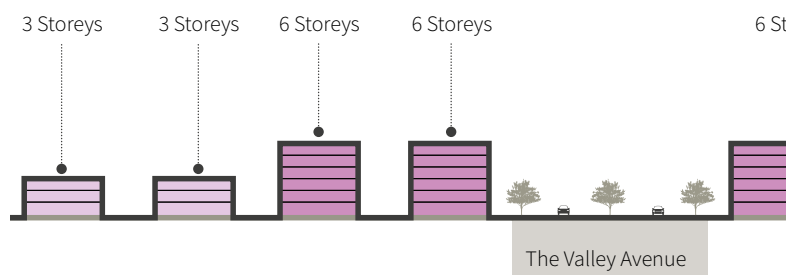
Section 3: Territory Plans' current building envelope and height controls (Gungahlin East, looking towards west)



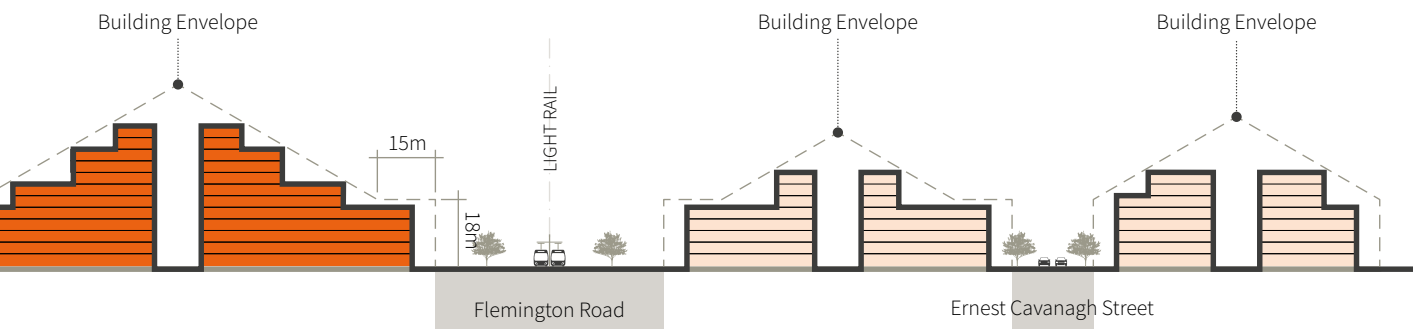
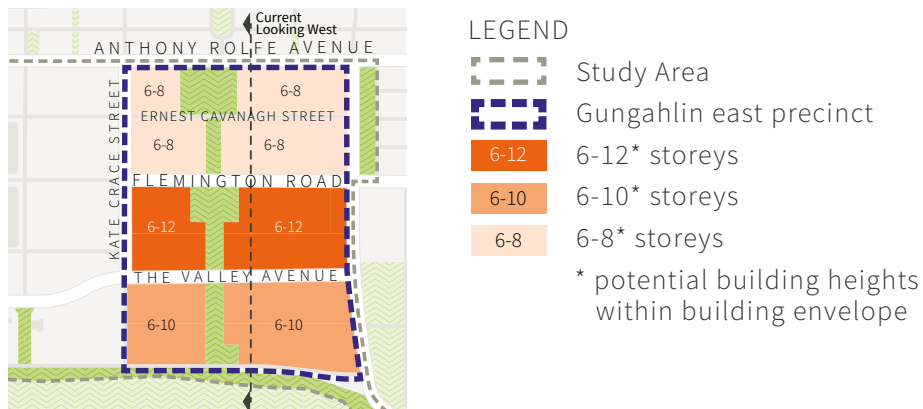
PROPOSED

Replacing building envelope with maximum number of storeys (and approximate building height in metres), provides for predetermined built form outcomes that provide for certainty for all stakeholders.

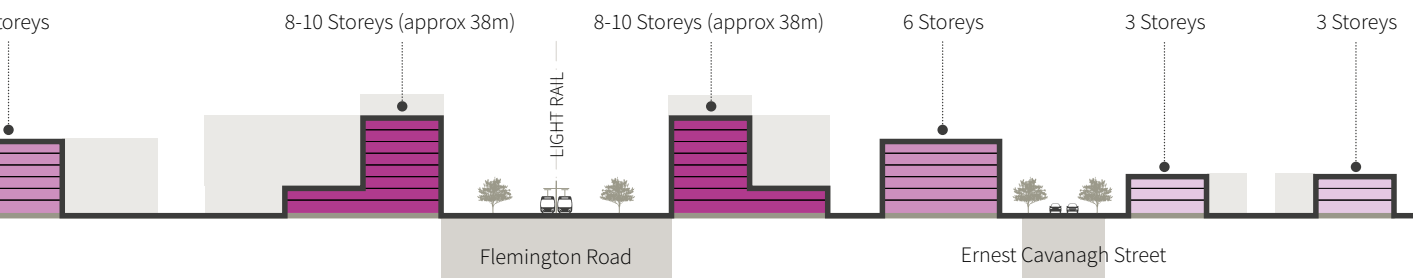
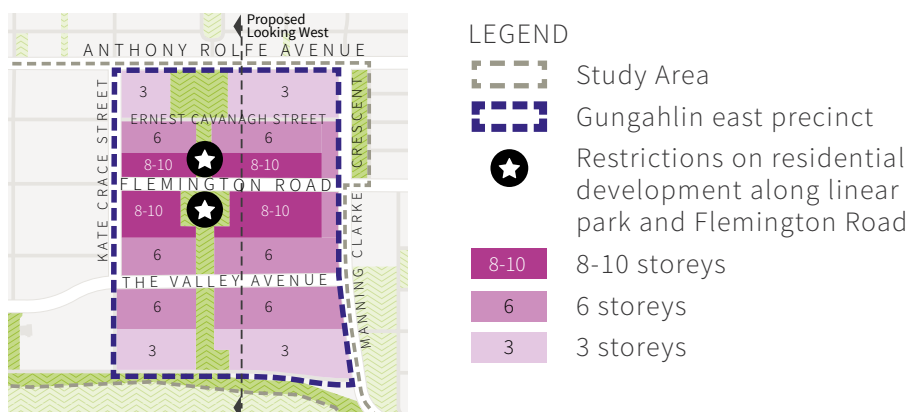
Section 4: Proposed building height controls (Gungahlin East, looking towards west)



Map 4. Current Territory Plans' building envelope and height controls



Map 5. Proposed building height controls



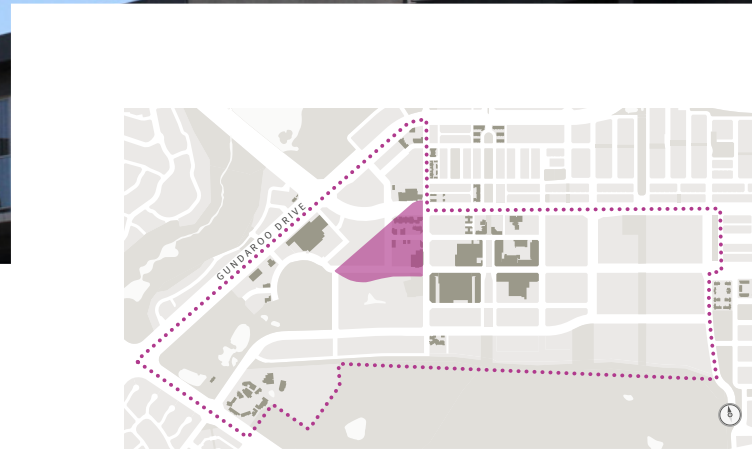


RECOMMENDATIONS

The Planning Refresh recommendations for Gungahlin East precinct:

- Remove the existing Territory Plan restriction on residential uses, which will allow mixed uses. This will ensure that some of the large vacant land is developed in the short to medium term. It will also support light rail and activating the precinct throughout the day and night.
- Providing retail and convenience services adjacent to the Flemington Road / Manning Clark Crescent north light rail stop.
- Allowing building heights to increase predominately from 6¹ to 8–10 storeys (approximately 38m high) for the blocks fronting Flemington Road. This increase in height will support light rail and announce to those travelling along Flemington Road that they are moving towards the town centre, a more urbanised environment. The 10 storey components could be located on the building's corners to indicate arrival at destinations and provide articulation in building height.
- Building heights transition from the 8–10 storeys (approximately 38m high) on Flemington Road down to 6 and then 3 storeys to the north and south of the precinct boundary.
- Buildings facing Manning Clark Crescent be 6 storeys to ensure a transition down to existing lower scale residential.
- Buildings fronting the north-south linear open space corridor will be required to have pedestrian access from it and an active interface.
- Requiring that buildings ensure good solar access to the southern side of Flemington Road and open space, including wider verge at selected locations.
- Ensuring verge allows sufficient space for large shade trees along both sides of Flemington Road.
- Ensure developments have a variety of building heights, articulation, corner address and a human scale.
- Investigation will be undertaken to identify a site to be reserved for large scale commercial office to address the future needs. This site will need be located within in a walkable distance from light rail station.
- Reserving 65,000m² for commercial offices, to be reviewed in five years.
- Change the precinct's name in the Territory Plan's Precinct Map and Code to 'Mixed Use Living' to reflect the change to the allowable mix of land uses.
- Restrictions on ground floor residential uses at nominated locations.

1 Maximum building height directly adjacent to Flemington Road allowed by the current building envelope.



URBAN RESIDENTIAL PRECINCT

The precinct is currently referred to as the Office Park in Territory Plan's Gungahlin Precinct Map and Code. The original intent of this precinct was for it to be a campus style business park with 2–7 storeys building height.

In the past few years, however, this precinct has been subject to a number of high rise residential development proposals, some of which have been approved and constructed. These new buildings range in height from 7 to 22 storeys (up to approximately 69m high) and are primarily residential. The Territory Plan's Gungahlin Precinct Map and Code permits residential developments in this precinct. The Territory Plan also allowed developments on lands which were leased before 30 November 2010, a greater flexibility on building heights for a period five years (until 30 November 2015). Consequently the precinct's character has evolved significantly. As such, it is appropriate that all future development occurs in a manner that minimises impacts on residents within and adjacent to the precinct and ensures a high amenity for the residents living in the precinct.

RECOMMENDATIONS

The Planning Refresh recommendations for this precinct:

- For blocks that will be developed or redeveloped in the future (excluding those subjects to current development application), maximum building height of 14 storeys (approximately 51m high) will be introduced, stepping down, west to east, to 7 storeys towards the existing residential area on the eastern edge of the precinct. This is to minimise overshadowing, bulk and scale on existing adjacent low scale residential. Refer to Map 2.
- Introduce requirements for setbacks, building articulation and podium heights to ensure new buildings along the eastern edge are of a human scale
- Renaming the precinct in the Territory Plan's precinct name from 'Office Park' to 'Urban Residential'.

PUBLIC SPACES; ACTIVE TRAVEL; ROADS AND PUBLIC TRANSPORT; AND PARKING RECOMMENDATIONS

UPGRADING AND ENHANCING PUBLIC SPACES

Gungahlin town centre's network of streets, linear parks, trees and other open spaces all contribute to the setting of the town centre and its public domain.

The primary public spaces are Gungahlin Place, Hibberson Street, and Gungahlin Town Square. The public realm in the town centre is characterised by hard surfaces, lack of 'green' areas that are not utilised to their full potential. Softening the spaces with landscaping and activating the public realm can be used to increase the town centre's appeal and contribute to a vibrant and well used open space network.

Gungahlin town centre is surrounded by a substantial open space network with Yerrabi Pond to the north and the Valley Ponds to the west. In the future, a linear park will transect the Gungahlin East precinct. Access to these open spaces are disconnected with major roads and intersections to negotiate.

Improving the quality, use and connections to public spaces and open space has been an important consideration for the refresh. Key messages from community engagement noted the desire for additional high quality and high amenity open spaces.





RECOMMENDATIONS

The Planning Refresh recommendations for upgrading and enhancing public spaces:

- Improve the quality and use of open spaces and public spaces by undertaking a place audit to understand the current use of the space to inform designs for improvements.
- Deliver improved shade, additional seating, lighting and opportunities to incorporate public art and supporting features such as water and power supply for events and gatherings.
- Enhance the landscaping to soften the appearance of the area and provide a comfortable climate at the heart of the town centre, including irrigated grass areas.
- Ensure some public spaces can provide opportunities for performance, markets and pop up vending opportunities to support the community's desire for activated and used public realm.
- Investigate the development of a micro park in the town centre including assessing community interest, location and design.
- Ensure development contributes to the improvement of the centre's public domain.
- For example street tree planting, street furniture and paving adjacent or elsewhere in centre.
- Improve connections to surrounding open space to support walking and cycling and ensure all people can easily access facilities and key areas within the town centre.
- Enhance the capability of the open space network to adapt to a changing climate by implementing living infrastructure principles. Components of living infrastructure includes large trees to provide shades, watered grass to provide cool areas, plant on the building to provided insulation and permeable pavement to allow water to recharge.



ACTIVE TRAVEL

Walking and cycling connections are important to encourage active travel within, to and from the town centre. The Active Travel Infrastructure Practitioner's Tool (a design tool used by ACT Government for planning active travel facilities), has been used to identify gaps in the active travel network for future improvements.

Active travel connections are also important to improve linkages to guide developments and identifying gaps from the town centre to the surrounding open space network, including Yerrabi and the Valley ponds.

ROAD AND PUBLIC TRANSPORT

Whilst the focus of the Planning Refresh is on the Gungahlin town centre, because transport is part of a wider network, the broader Gungahlin district transport network has been considered in the analysis for the Planning Refresh.

The 2016 Census journey to work data showed that 81% of Gungahlin workers travelled outside of the district for employment and 77.4% of these workers travel to work by car, resulting in high levels of traffic on arterial roads of the Gungahlin district road network during peak hour.

In response to concerns about the impact of additional population growth in the Gungahlin town centre on traffic congestion, strategic transport (including traffic) modelling has been undertaken to understand the impact of this growth on the Gungahlin town centre and Gungahlin district road transport network. The transport modelling found that high levels of vehicle traffic already use the arterial road network for inter-district travel and that potential increased residential growth within the town centre in the short and medium term will not significantly add to these issues.

Road and public transport improvements are underway to address a number of current issues, including the duplications of Gundaroo Drive and Horse Park Drive, ongoing construction of the Gungahlin town centre road network, light rail stage one and the upcoming bus network changes to align with light rail.

Road and public transport improvements are underway to address a number of current issues, including the duplications of Gundaroo Drive and Horse Park Drive, ongoing construction of the Gungahlin town centre road network, light rail stage one and the upcoming bus network changes to align with light rail.

Further network capacity upgrades and traffic management improvements will be investigated once the current construction of light rail and public realm improvements are completed. Future, more detailed transport planning will account for the network improvements currently being made and land use changes being considered by this refresh. Such improvements may include further capacity increases at targeted locations, intersection upgrades and management of through traffic volumes.

PARKING

The demand for parking will continue to grow, as the town centre continues to grow.

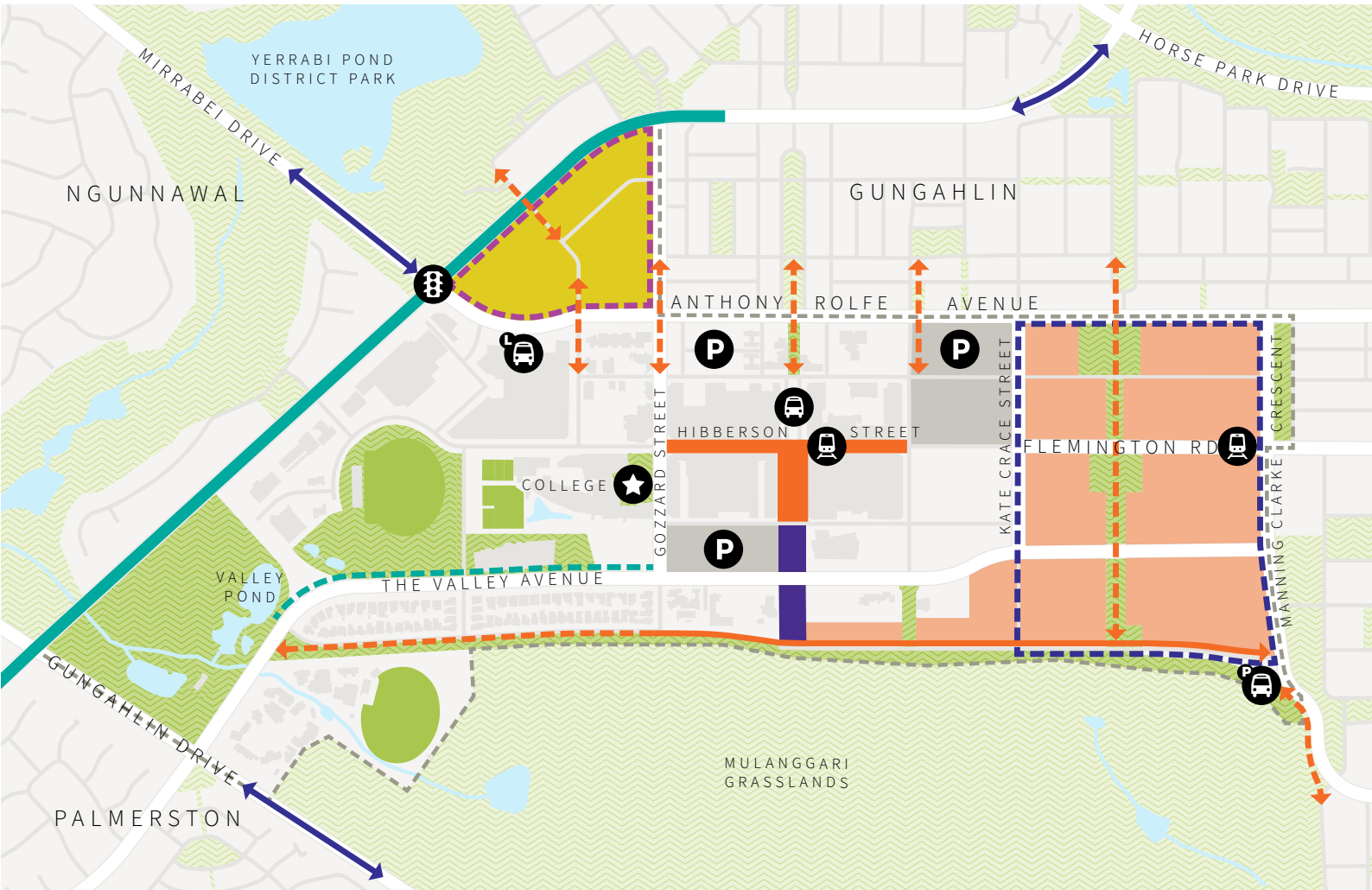
RECOMMENDATIONS

The Planning Refresh recommendations for active travel; road and public transport; and parking:

- Monitoring the effect of light rail on traffic.
- Monitor short and long stay parking supply and demand as the town centre grows and develops.
- Review of the Territory Plan's Parking and Vehicular Access General Code to determine appropriate parking provision rates for development - not Gungahlin specific.
- Implement active travel connections and improvements along key identified routes.
- Future augmentation of transport options, including:
 - > public transport
 - > active travel
 - > road infrastructure
- Monitor the use of the Gungahlin Park and Ride through the Park and Ride Feasibility Study and consider the need for additional park and ride as Gungahlin grows.

Map 6 shows the key recommendations of the Planning Refresh for public spaces; active travel; roads and transport; and parking.

Map 6. Key recommendations on public spaces; active travel; road and public transport; and parking



LEGEND

- Study area
- Urban residential precinct
- Gungahlin east precinct
- Duplication work of Gundaroo Drive under construction
- Monitor future arterial road augmentation
- Improve active travel network connection under construction
- Improvements to pedestrian amenities
- Active travel network connections proposed
- Future public space improvements
- Committed public space improvements

Land Use

- Urban residential and mixed use
- Office employment and retail mixed use
- Mixed use residential and commercial incl. community use
- Permanent bus layover site investigation
- Undertake place audit
- Signalised intersection upgrade with pedestrian crossing under construction
- Gungahlin bus station
- Light rail station (under construction)
- Proposed bus layover
- Public car parking



GUNGHALIN TOWN CENTRE CAPITAL WORKS PROJECTS

The ACT Government is undertaking significant investment in and around the Gungahlin Town Centre. Some projects have recently been completed, whilst others are due for completion later this year or in the coming years.

RECENTLY COMPLETED PROJECTS INCLUDE:

- Gungahlin Bus Station
- Camilleri Way
- Gungahlin Walk-in Centre
- Hibberson Street shared zone.

PROJECTS UNDERWAY INCLUDE:

- Light Rail Stage 1
- Road network improvements within Gungahlin town centre and in the surrounding area

PROJECTS TO COMMENCE SHORTLY:

- Gungahlin Place Park



COMMUNITY FACILITIES IN GUNGAHLIN EAST RECOMMENDATIONS

There is no change proposed to the existing Territory Plan's Precinct Map and Code provisions relating to community facilities. The Precinct Code requires that at least 6 hectares of land in the town centre area be zoned Community Facility to provide for population growth and demand for supporting facilities and services.

This provision is currently on track to being met, however close monitoring is required to ensure the required supporting facilities can be provided as the town centre and district grows and change.

Existing community facilities and areas nominated by the Territory Plan for community facilities are indicated on Map 7. Community facility areas often complement the open space network and provide opportunities to activate spaces and increase use of the public domain.

It is key to consider community facilities and open space together to maximise the function and amenity of the public realm.

A range of community facilities are already provided in the town centre. These include child care, indoor recreation, emergency services, health, library, education and religious uses.

The Territory Plan also provides for a range of other uses within a Community Facility zoning to provide services for individuals, families and the communities including community activity centre, community theatre, cultural facility, retirement village and residential care facility.

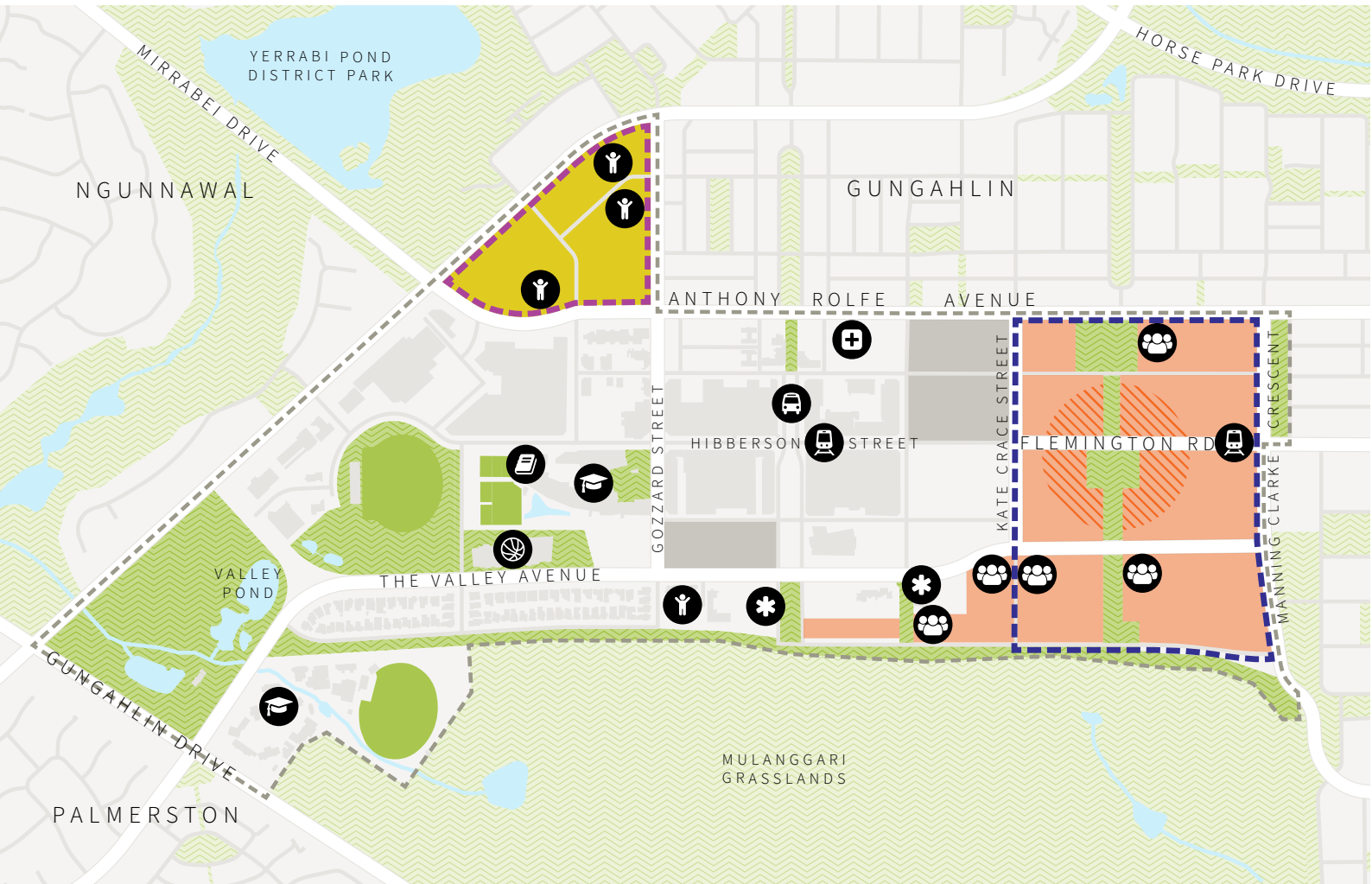
RECOMMENDATIONS

The Planning Refresh recommendations for community facilities:

- Future investigation will explore if community facility uses, contributing to the required 6 hectares of land, can be located nearer to Flemington Road and closer to the light rail station.



Map 7. Community Facilities



LEGEND

- Study area
- Urban residential precinct
- Gungahlin east precinct

Land Use

- Urban residential and mixed use
- Office employment and retail mixed use
- Mixed use residential and commercial incl. community use
- Community facilities location subject to future investigation

- Territory Plan identified locations for community facilities
- Gungahlin bus station
- Light rail station (under construction)
- Education
- Library
- Indoor recreation
- Health centre
- Child care
- Religious



PROPOSED CHANGES TO THE TERRITORY PLAN

To assist with documenting the Refresh's recommendations and how they will translate to the Territory Plan, a concept Precinct Map and Code document is provided at Appendix A. This concept document identifies the proposed changes to the Territory Plan's Gungahlin Precinct Map and Code. These changes do not form part of the Territory Plan, nor do they constitute a draft variation to the Territory Plan.

It is provided for information only.

NEXT STEPS

In early 2019, a draft Variation to the Territory Plan will be released for public consultation to give effect to the recommendations. This will provide the community with a further opportunity to influence the future of the town centre.

Recommended improvements to parks, pedestrian and cycle paths and other public domain improvements will require ACT Government funding, which will be dependent on further investigations, future budget bids and private sector investment.

APPENDIX A

Concept Variation to the Territory Plan.

