

31 January 2004

Attn: Mr. Bruce Henry
XACT Project Consultants Pty Ltd
Po Box 3062
Manuka ACT 2603



**Gungahlin
Community
Council Inc.**

**Understanding of Meeting outcomes on 27/1/04 regarding
Development Application 20039662 Block 1, Section 13, Gungahlin**

Dear Mr. Henry

With regard to Development Application 20039662 and meeting held between representatives of your client Coles Myer, the Gungahlin Community Council advises these were the key outcomes from this meeting:

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Item	Objection/Comment Details	Outcome
1	In Principal Support For Development	The Council advised that it does not oppose the concept of Retail, Commercial and Residential development on Section13 and would like to see the earliest completion of the development PROVIDED that the objections as outlined are satisfactorily addressed.
2	Disappointment expressed at lack of active consultation with the community	No significant discussion regarding this item,
3	Demonstration of good design principles: car park ingress/exit	No significant discussion regarding this item.
4	Residential development component in excess of four stories.	<p>During the meeting the Council expressed concern that the proposed number of floors was is in contravention of Territory Plan Variation 53 and the relevant planning controls, guidelines and codes.</p> <p>Coles Myer conceded that the attic did not meet the guidelines and would make changes such that the attic component was compliant.</p> <p>Coles Myer attempted to argue their position that their flooring proposal for a total of six levels was compliant with the Territory plan, controls and relevant guidelines dependent on their interpretation of permissible height restraints (14m).</p> <p>The Council's interpretation of planning documents would indicate that the controls are based on a maximum of four floors as per the territory plan Variation 53 and relevant guidelines.</p>



		<p>The Council advised that it would take its position on this item on notice and advise Coles Myer of the Council final position after further examination of the relevant planning documents and discussion of the issue at the next public meeting of the Gungahlin Community Council on 11th February 2004.</p>
5	Overshadowing	<p>Coles Myer advised that they had not produced overshadowing diagrams, however in their opinion overshadowing impacts met the requirements of all relevant guidelines and controls.</p> <p>The Council expressed an opinion that it would still like to see overshadowing diagrams for the proposed development.</p>
6	Ground floor residential usages on Gungahlin place and east street.	<p>The Council advised that it is strongly opposed to residential development on the Ground floor residential uses on the basis that it is non-conformant with the Territory Plan Variation 53 and the relevant planning guidelines, controls and codes and will result in a substandard outcome for the Gungahlin Town Centre.</p> <p>The Council advised that if the development was not going to be commercially viable (in the opinion of Coles Myer) then a staged approach would be preferable to allowing ground floor residential (which without appropriate controls in lease documents, could unfortunately become a permanent feature of the core retail town centre area).</p> <p>Coles Myer were unable to provide a satisfactory outcome / methodology to ensure limitation of residential uses for a limited period only.</p> <p>The Council suggested that a possible option would be for development to occur in stages as commercial demand dictated.</p>
7	All car parking needs to be provided on-site	<p>Coles Myer confirmed that an alternative treatment for Hibberson Street was to be adopted by the relevant ACT Government such that a modified treatment to street verge (to better provide for street trees and allow increased sidewalk/paved area) and would result in the deletion of approximately 16 on-street car parking places on Hibberson Street.</p> <p>Coles Myer advised that on-site parking would be increased to cater for all anticipated demand generation such that on-street parking was no longer required to fully meet control/guideline levels.</p>



		The Council expressed concern that similar treatments would not be applied along Gungahlin Place (The Common) and East street, as was proposed for Hibberson street. It was also indicated by Coles Myer that different street trees would be used on these two streets. The Council questions the rationale of this as identical tree types are used on Hibberson and the existing portions of Gungahlin Place.
8	Insufficient provision by way of at least 10% adaptable housing	Coles Myer advised that their initial proposal was non-compliant and they would comply with Territory Planning requirements of at least 10%. Adaptable housing provision.
9	Proposed Noise Impact For Residential Dwellings	Coles Myer advised that they would meet minimum applicable noise standards. The Council would like to see this written into any approvals.
10	Provision of Affordable Housing	The Council acknowledged that this was a comment and not an objection to the Development Application. It was requested that Coles Myer consider making a written offer to ACT Housing to allow purchase of a number of units. The Council also expressed the opinion that such a written offer would show that Coles Myer intended to be a good corporate citizen, and also ensure that Government housing has the opportunity to be properly integrated into the Town Centre fabric in the first instance. Coles Myer took this item on notice.
11	Insufficient provision of paving space on Gungahlin place / "the common" edge.	Gungahlin Community Council acknowledged that this was a comment and not an objection to the Development Application.
12	Lease document for section 13 not yet issued and unavailable for public scrutiny.	Coles Myer advised that neither the signed off copy of Holding Lease and Deed of Agreement and/or Crown Lease has been finalised at this time. Coles Myer advised that they considered Deed of Agreement a commercial in confidence document. Council advised that they had concern that "final" documents could potentially be in contravention of the Territory Plan and relevant planning guidelines and codes.

		The Council advised should it be found that an officer of the ACT Government has issued Deed of Agreement and Lease Documents that contravene the Territory Plan and relevant planning guidelines, controls and codes then the Council would not hesitate such matters to their legal and fullest extent.
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As discussed and agreed the Council looks forward to receiving Coles Myers interpretation of the key points from this meeting.

Yours sincerely

Barry Dee
President - Gungahlin Community Council Inc.

CC: ACTPLA – Applications Secretariat