



ACT
Government

Environment, Planning and
Sustainable Development

20/18276

Mr Peter Elford
President,
Gungahlin Community Council
president@gcc.asn.au

cc Mr Mark Scarborough
mark@mygungahlin.com.au

Dear Mr Elford

Re: DA201936502, Block 1 Section 12 Gungahlin (Gungahlin Cinemas)

Thank you for your email of 16 April 2020 on behalf of the Gungahlin Community Council. I note the follow-up email from Mr Mark Scarborough of 24 April 2020 to Minister Gentleman, copied to myself. As some of the matters raised in your email are technical and relate to the statutory function of the planning and land authority, the Minister has asked me to provide a reply.

I note the concerns raised about parking provision in relation to the development and that your email supports the views of Mr Scarborough regarding the proposed development.

The assessment and determination of development proposals under the *Planning and Development Act 2007* requires consideration of a range of different, and sometimes competing, issues. The planning and land authority make decisions on development applications with reference to a mix of mandatory rules and discretionary criteria set out in the Territory Plan.

I understand from officers in the planning and land authority that, in deciding to approve the development application for the Gungahlin Cinema development, a key consideration was the shortfall in car parking spaces provided when compared to the provisions contained in the *Parking and Vehicular Access Code* (the Parking Code).

As set out in its notice of decision, the delegate of the planning and land authority decided to depart from the Parking Code on the basis of what was determined to be an acceptable justification provided by the applicant, which included the proximity of the proposed development to a light rail stop and existing car parking spaces – noting that the peak usage of the cinema will be after hours and during the weekend, when demand for parking from surrounding commercial uses will be at a reduced level.

I note that in his email, Mr Scarborough has sought to unpack the intent of the Parking Code. However, a key section overlooked is that the code is performance based, rather than the rule and criterion format found in development codes. Section 1.4 of the code states *'the performance approach adopted in these codes provides the flexibility to enable a proposal to be supported where the proponent can demonstrate to the satisfaction of the Territory that the objectives can be met either by provision of a lesser on-site rate or by utilising spare capacity in publicly available on-street or off-site parking'*. The Code also states under Section 3.2.1 that *the scale and range of activities in the major centres is such that non-concurrence of peak demands for all activities means that there is significant potential for reducing provision through shared and consolidated parking*.

I am advised that the applicant provided evidence of similar parking rates provided at existing cinema developments and contended that parking provision for this development in Gungahlin town centre should match those of the City centre, rather than a provision rate typical to group centres. While this was a difficult decision, I understand that the delegate of the planning and land authority concluded that the benefits of this development would outweigh any possible issues caused by applying a reduced parking provision rate.

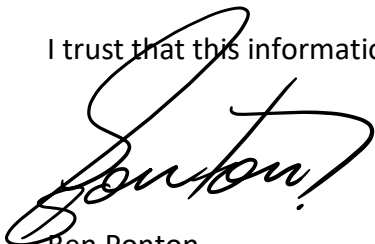
In relation to broader parking within the town centre, my Directorate's analysis is that there are approximately 4,100 parking spaces available comprising both public and privately provided spaces. These spaces comprise on-street and off-street parking, and include short-stay, long-stay, 'park & ride' and other spaces. Based on a weekday parking survey of the town centre undertaken in late 2019, there was a 65% utilisation of short-stay spaces and a 57% utilisation of long-stay spaces. After hours and weekend utilisation was not surveyed.

Notwithstanding the survey results, there are 'hotspots' of demand closest to popular shopping and office areas, balancing low utilisation on the periphery of the centre. Further parking surveys are likely to be conducted periodically into the future.

A review of the Territory Plan's *Parking and Vehicular Access General Code* is proposed to be undertaken in 2021 and a 'park & ride' strategy is currently being developed by Transport Canberra and City Services.

In the circumstances, I am content that the authority has afforded the development application careful consideration and has made a proper assessment against the provisions of the *Planning and Development Act 2007*.

I trust that this information will clarify this matter for you.



Ben Ponton
Director General
Environment, Planning and Sustainable Development Directorate

4 May 2020