

16 July 2021

Standing Committee on Planning, Transport, and City Services  
ACT Legislative Assembly  
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## Inquiry into Draft Variation 364: Gungahlin Town Centre Gungahlin Community Council Submission

### Executive Summary

The Gungahlin Community Council (GCC) believes that Draft Variation 364 (DV364) should be abandoned. It includes changes to the Gungahlin town centre precinct code that are strongly opposed by most Gungahlin residents that will adversely impact the viability of the town centre and the Gungahlin district. The changes to building height, although welcomed, are mute as most blocks of concern to the community already have developments approved that exceed the proposed height limits.

The Refresh experience further undermined the already low level of trust that Gungahlin residents have with the planning system and processes. The Refresh took too long, the feedback from the community was selectively picked at, feedback was ignored, and the final conclusions and proposed actions were at odds with what the community had expressed. Moreover, the late introduction of new proposals (reducing the amount of commercial space, more mixed-use, new mechanisms for handling community space, etc.) which were not exposed to the community for discussion, came as a complete shock and appear not to be evidence based.

The GCC further recommends:

- The existing reservation of 100,000m<sup>2</sup> for commercial space be retained.
- Further residential (mixed-use) development be minimised (not maximised).

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. Consequently, the GCC continues to oppose any further sales of land in the Gungahlin Town Centre until:

- Alternative or additional interim mechanisms (pending the implementation of the ACT Planning Systems Reform Project<sup>1</sup>) be put in place to ensure the development of the remaining sites in the Gungahlin Town Centre contribute substantially to the viability of the town centre through an increase in employment, retail, entertainment, and community services, and
- Incentives, investments or other mechanisms are put in place to attract employment (or employment alternatives) to the Gungahlin Town Centre.

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<sup>1</sup> <https://www.planning.act.gov.au/planning-our-city/act-planning-system-review-and-reform>

## Submission

This submission is informed by and made on behalf of the residents of Gungahlin. It details the expectations of the Gungahlin community, concerns and issues with the final stages of the Gungahlin Town Centre Planning Refresh and the community's frustration with the resultant Draft Variation 364.

## Community Expectations

Canberra is laid out as a collection of districts. Each district provides a broad range of services and facilities to support the employment, education, health, community, sporting, recreation, retail, and entertainment needs of its residents, concentrated in the district's town centre. A primary goal of this architecture was to minimise commuting for work and to minimise travel to access services and facilities.

Residents moving to the district of Gungahlin ever since it was established in the early 1990s have expected that the Gungahlin Town Centre would develop like the other Canberra town centres. The early land use planning for the town centre was consistent with this expectation with substantial space identified for commercial office. These plans became part of the ACT Territory Plan.

Reserving space for commercial offices within the town centre was necessary but far from sufficient to ensure the Gungahlin town centre developed with the appropriate combination of facilities and services, particularly employment. A sequence of significant events has stunted the development of the town centre to this point:

- 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.
- The sale of the Canberra Airport by the Federal government enabled the development of a substantial employment hub in Canberra outside the town centres, significantly increasing options for employers and reducing demand for office space with the town centres.
- The enforcement of the ACT Territory Plan has been weak, with significant variations from the plan permitted at the per-site Development Application level, and erosion of the overall town centre plan through a series of territory plan variations.

These events have not been sufficiently mitigated by the ACT Government.

Draft Variation 364 further erodes an already ineffective Territory Plan<sup>23</sup>. The GCC is aware of the ACT Planning Systems Reform Project<sup>4</sup> but has serious concerns that its implementation will take many months (years?) and hence be irrelevant should the ACT Government continue to sell sites within the town centre under the old ACT Planning System regime. Alternative or additional interim

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[https://www.cmtedd.act.gov.au/open\\_government/inform/act\\_government\\_media\\_releases/gentleman/2021/fresh-start-for-planning-system](https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/gentleman/2021/fresh-start-for-planning-system)

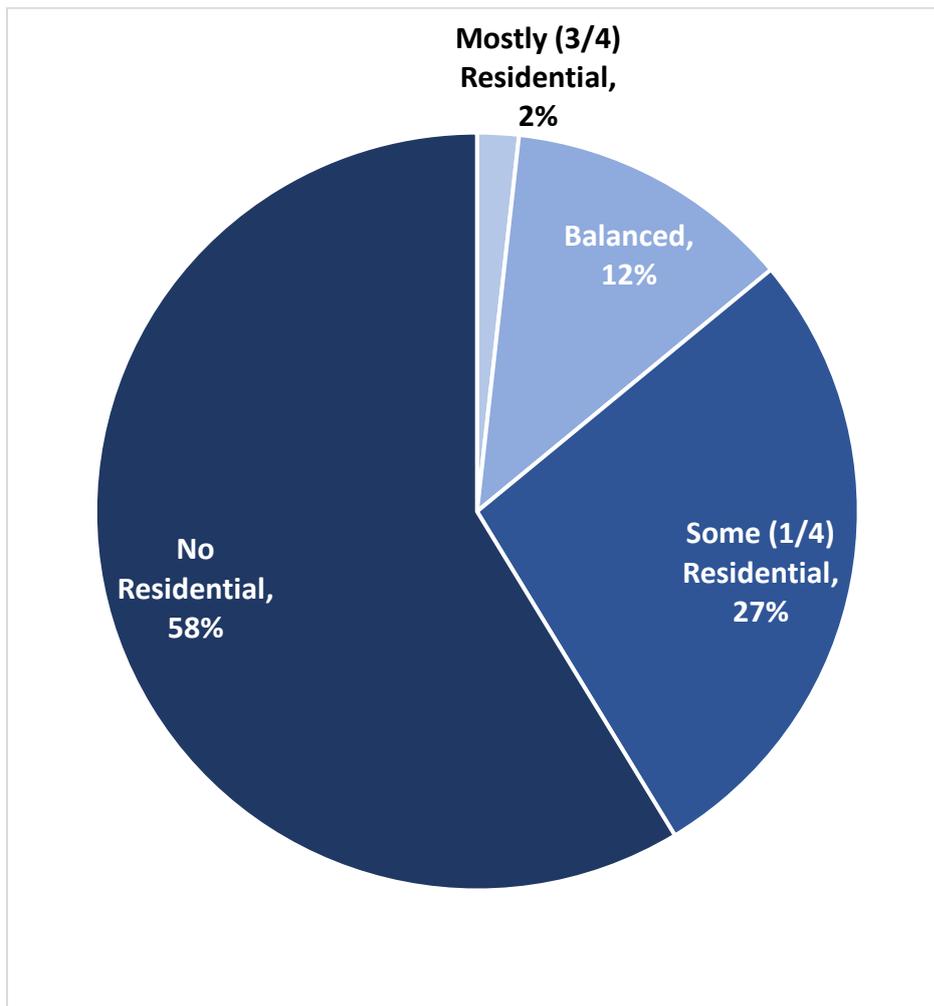
<sup>3</sup> <https://the-riotact.com/dated-system-forces-planning-authority-to-approve-imperfect-developments-admits-ponton/443309>

<sup>4</sup> <https://www.planning.act.gov.au/planning-our-city/act-planning-system-review-and-reform>

mechanisms must be put in place to ensure the development of the remaining sites contributes substantially to the viability of the town centre through an increase in employment, retail, entertainment, and community services.

Any change to the Territory Plan will not assist the development of the town centre unless there are substantive and concrete incentives, investments or other mechanisms put in place to attract employment (or employment alternatives) to the town centre.

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.



*Gungahlin Community Survey 2019 - Q5 (1,481 responses)*

*How much of the remaining Open Space in the Town Centre should be Residential? (vs. Business and Community Use)*

### Gungahlin Town Centre Refresh

The appearance of several high-rise residential developments in the Gungahlin Town Centre from 2015 onwards<sup>5</sup> led to widespread confusion and frustration within the Gungahlin community. In

<sup>5</sup> <https://gcc.asn.au/getting-development-right-for-the-town-centre-the-gungahlin-residential-towers-story/>

response, the Gungahlin Community Council (GCC) approached the Environment, Planning and Sustainable Development Directorate (EPSDD) in November 2016:

“... regarding the transformation of the Office Park precinct into a very high density collection of mixed-use residential towers. It highlights the lack of cohesion there appears to be in how these developments are approved, particularly in the context of the overall town centre plan, and the community’s understanding of what is permitted.”<sup>6</sup>

The GCC noted that the intent of the Gungahlin Precinct Code was clearly not being achieved, and that it either needed to be changed and/or enforced more rigorously. The GCC’s goal was to better align the Precinct Code to reality and reset expectations.

EPSDD agreed to undertake “a place-making review of the Gungahlin precinct plan”<sup>7</sup> which subsequently became the Gungahlin Town Centre Planning Refresh (the Refresh) with the key issues distilled to:

- Building height and character
- Upgrading and enhancing public spaces
- Walking, cycling and road transport

The consultation undertaken throughout 2017 as part of the Refresh included many different forms of engagement, including a substantive evening workshop. The resultant Community Engagement Report published in May 2018<sup>8</sup> reflected much of this feedback fairly but also included the following key message:

- *mixed views about the potential for increasing building heights in the town centre. Concerns about increases in building height related to traffic congestion, bulk and scale, overshadowing, privacy and the interface with existing development. Support for increases in building height noted the changing character of the town centre, the need for marker buildings and the strong demand for residential development,*

All other references in the Community Engagement Report indicated strong opposition for increased residential development in the town centre consistent with the views expressed by most participants in the workshop. The presence of this statement, underlined above, seemed out of place, and appears to be a minority position expressed by a property developer (ore developers).

There was no further progress on the Refresh until the release of the Gungahlin Town Centre Planning Refresh – Snapshot in November 2018<sup>9</sup>. The GCC and the Gungahlin community were shocked to discover that the Snapshot included significant changes to the Gungahlin Precinct Code (Territory Plan) that had not been tabled and discussed during the Refresh. The GCC made our concerns clear in our response to the publication of the Snapshot, which signalled the end of the Refresh project<sup>10</sup>:

*The Gungahlin Community Council (GCC) is disappointed with the Gungahlin Town Centre Planning Refresh (the Refresh).*

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<sup>6</sup> <https://gcc.asn.au/gcc/wp-content/uploads/2021/06/GaryRake-1.pdf>

<sup>7</sup> <https://gcc.asn.au/gcc/wp-content/uploads/2021/06/GaryRake-2016-2.pdf>

<sup>8</sup> [https://yoursayconversations.act.gov.au/download\\_file/2936/612](https://yoursayconversations.act.gov.au/download_file/2936/612)

<sup>9</sup> [https://yoursayconversations.act.gov.au/download\\_file/2929/612](https://yoursayconversations.act.gov.au/download_file/2929/612)

<sup>10</sup> <https://gcc.asn.au/gcc/wp-content/uploads/2021/06/GCC-Town-Refresh-Response.pdf>

*The recommendations that it makes regarding building height and character affirm positions that the GCC has been advocating for several years which are diametrically opposed to development application decisions the government has made in the North West Gungahlin precinct. This is absolutely a case of government taking far too long to change obviously flawed processes, and when it finally makes a recommendation (not even a decision) to change it, it's far too late, condemning an entire generation of residents to a concentrated example of unconstrained development.*

*The Refresh makes no firm recommendations on how to address this situation and its likely impact on traffic, pedestrian and cycle access, over shadowing and the absence of green/open space for an unintended population of this size. Other recommendations, such as the change to the space to be reserved for office space, lack an evidence base.*

*Further, the Refresh moves Gungahlin away from the ACT stated goal of sustainability. Sustainability requires localisation of economic activity. The GCC Town Refresh continues the trend of centralisation of economic activity to Civic and the Northbourne Avenue corridor. It does this by halving the amount of space available for employment in the GCC Town Centre.*

*This is unacceptable as it is planned that only 14% of paid employment for Gungahlin residents is within the Gungahlin district and that includes home-based businesses and the industrial area of Mitchell.*

*Employment is a social activity and it is an important part of building Social Capital in a Community. More employment in the Town Centre will also increase the utility of the Light Rail. Rather than reducing the space for Business Activity, the Gungahlin Community Council would like to see the amount increased to at least the planned levels in Belconnen.*

*The proposed business zone reductions will severely limit the possible expansion of the Gungahlin central business district. A significant increase in traffic congestion now exists in the CBD having been exacerbated due to recent traffic modifications to incorporate public transport.*

*Expansion of the Gungahlin CBD is critical to reducing this traffic congestion. Apartment complexes with small business ground floor space is a poor substitute for dedicated business zoning to the Gungahlin community. We would also like to see existing planning regulations enforced and fewer exceptions granted that reduce the level of business space in buildings.*

The GCC never received a response to this correspondence.

The Refresh experience further undermined the already low level of trust that Gungahlin residents have with the planning system and processes. The Refresh took too long, the feedback from the community was selectively picked at, feedback (eg. as above) was ignored and the final conclusions and proposed actions were at odds with what the community had expressed. Moreover, the introduction of new proposals (reducing the amount commercial space, new mechanisms for handling community space, etc.) which were not exposed to the community for discussion and came as a complete shock.

### [Draft Variation 364](#)

Almost a year after the Snapshot document was released, in September 2019, Draft Variation 364 was published for public comment. The basis of Draft Variation 364 was the Refresh Snapshot.

A single community consultation session was provided as a 2 hour popup in front of Woolworths on 12 October 2019. This is completely inadequate given that DV364 was outcome of a community-initiated process and has significant potential impact on the town centre. The DV364 Report on Consultation<sup>11</sup> suggests that the entire work of the Refresh was part of the DV364 consultation. This is misleading – major issues such as the increase in mixed-use and reduction in commercial were only introduced in the Snapshot and consequently had effectively no community consultation.

The GCC lodged a written submission to the draft<sup>12</sup> indicating that “the GCC believes the concerns regarding the height of development within the Gungahlin Town Centre have been (belatedly) addressed in DV364”. The submission also raised several concerns, the most important being (with recommended actions):

- Reduction of the Total Space Reserved for Commercial Development  
***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 GCC recommends that the further residential (mixed-use) development be minimised (not maximised) as part of DV364 in precinct 2a.***

Neither recommendation was actioned.

In the DV364 Report on Consultation<sup>13</sup> the rationale for rejecting these changes appears to be illogical (p. 5-6):

- The reference to the “analysis” in the Snapshot is a simple table that demonstrates Gungahlin has extremely low employment compared to any other district, suggesting that more employment (and hence commercial space) needs to be encouraged (not less).
- Referencing the Snapshot as justification for a) removing the restrictions on residential use, east of Kate Crace Street and b) reserving just 65,000m2 of office space, is meaningless as these conclusions were inserted into the Snapshot without community input or validation.
- Labelling the Gungahlin Town Centre as an “existing urban area” to allow it to be considered an “urban intensification area” seems a convenient definition when East Gungahlin is largely open paddocks. It also appears to be manifestly unfair given the huge increase in “urban intensification” as a result of the high-rise residential development in the North West Town Centre precinct.

In the DV364 draft itself (Appendix 1), the Suburban Land Agency asked:

*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.*

Given there was no response to this question the GCC must assume no such studies were undertaken. This, and the rationale noted above, leads the GCC to conclude there is no evidence base for these decisions.

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<sup>11</sup> [https://www.planning.act.gov.au/\\_data/assets/pdf\\_file/0008/1734587/2-Report-on-consultation.pdf](https://www.planning.act.gov.au/_data/assets/pdf_file/0008/1734587/2-Report-on-consultation.pdf)

<sup>12</sup> <https://gcc.asn.au/gcc/wp-content/uploads/2020/02/DV364-GCC-FINAL.pdf>

<sup>13</sup> [https://www.planning.act.gov.au/\\_data/assets/pdf\\_file/0008/1734587/2-Report-on-consultation.pdf](https://www.planning.act.gov.au/_data/assets/pdf_file/0008/1734587/2-Report-on-consultation.pdf)

Many of the key messages identified during the consultation related to upgrading and enhancing public spaces, and walking, cycling and road transport are not actioned through DV364. It is unclear whether they are being actioned by any agency within the ACT Government despite requests to the Minister for Planning requesting such action.

Two motions have been passed in the ACT Assembly during 2021 (so far) regarding failings in the development of the Gungahlin Town Centre. A petition with over 700 signatures will be tabled in the ACT Assembly in its next sitting. The ACT Government needs to acknowledge there are serious issues with the development of the Gungahlin Town Centre and take immediate and specific action to address the shortfall in employment, retail, community and entertainment services.

Progressing Draft Variation 364 and continued denial of these issues will confirm the ACT government is committed to nothing but further residential development and the completion of Gungahlin as a dormitory district.

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