



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**STANDING COMMITTEE ON PLANNING, TRANSPORT  
AND CITY SERVICES**

(Reference: [Inquiry into Draft Variation 364: Gungahlin Town Centre](#))

**Members:**

**MS J CLAY (Chair)  
MS S ORR (Deputy Chair)  
MR M PARTON**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**THURSDAY, 29 JULY 2021**

**Secretary to the committee:  
Dr B Lloyd (Ph: 620 50137)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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*Amended 20 May 2013*

**The committee met at 9.30 am.**

**CIRSON, MS ADINA**, ACT Executive Director, Property Council of Australia  
**JACKSON, MS NICHELLE**, Director, Canberra Town Planning, representing  
Landco Pty Ltd  
**KATHEKLAKIS, MR GEORGE**, Director, KDN Group

**THE CHAIR:** I acknowledge that we are meeting on the lands of the traditional custodians and that sovereignty was never ceded. I acknowledge any elders who are here or who might be watching from home, past, present and emerging.

Today we are looking into Gungahlin DV364 for the Gungahlin town centre. At 9.30 we will be hearing from witnesses reflecting the views of developers; at 10.10 we will be hearing from the Gungahlin Community Council. After that we will have a short break and then hear from the Minister for Planning and Land Management, Mr Mick Gentleman, and some of his officers.

When you first speak, please note that you have received a copy of the pink privilege statement. If you take a question on notice, please provide your answers within five days of the secretary providing you with the uncorrected proof transcript. That will make sure that we can get our findings and report together quickly.

I might begin with a fairly general question. We have seen DV364 and heard quite a lot of comments on how this proposal is going to sit with commercial development. I would love to hear some general comments on whether you think DV364 is going to provide good development for Gungahlin and whether you have any major concerns about this variation.

**Ms Cirson:** I would like to make some general, high-level remarks around Gungahlin town centre and the refresh. I highly commend the refresh that has been going on for some time.

Our first submission was back in 2017, when we looked at the Gungahlin plan refresh. The character and scope of the land out there has changed even in those four years. We have light rail operating there. We have been highly supportive of changes to the town centre which support transport-oriented development and a mixed-use precinct with residential development and commercial uses, to ensure the vibrancy and success of those commercial businesses and the creation of a town centre which is densely populated to support the objectives of having a light rail infrastructure project in the town centre.

In late 2018, we made another submission around the specific draft variation. I again reflect on the fact that the character of the centre has changed during that time. We had some very specific technical concerns, which we outlined in our submission, which I am sure you have a copy of. Some of those changes and suggestions have been reflected in the consultation report but, from a town centre point of view, we would make the following comments.

There is a need for mixed use. There is a need for high-density residential development. We need building height and scale. If you are going to put building height and scale

anywhere, it is in town centres, particularly those that are supported by good infrastructure like light rail. We have public parking challenges, and I might throw to George to talk about some of those issues. We need good public realm and good connections between commercial and residential development and linkages back into the main town centre area. They are things that we are seeking to achieve through the planning strategic controls that exist and that are going to be affected through this variation.

Of course, social infrastructure is important. We have good schools and community services in the centre.

George or Nichelle might talk through some of the more technical issues around DV364.

**THE CHAIR:** We might throw to some more questions from the committee.

**MS ORR:** I am happy to hear what Ms Jackson has to say first, because she is here on behalf of someone other than the Property Council.

**Ms Jackson:** I acknowledge the privilege statement. I am here today on behalf of Landco, which is the lessee of block 6 section 88 Gungahlin, which is located in precinct 2b. I echo Adina's comments; however, on behalf of the lessee who I am representing, the comments that I wish to convey are in relation to the controls that apply to precinct 2b.

The lessee I am representing has the last significant site or development within precinct 2b. As such, some of the controls for this precinct disproportionately impact this particular landholder and their development opportunities.

What I wish to convey primarily is that this precinct originally was an office park precinct. However, due to the passage of time and the change of character in the Gungahlin town centre, this precinct is now a mixed-use precinct and has a predominantly mixed-use and residential character. The lessee for block 6 section 88 purchased the site in 2010 with the intention of constructing a commercial office development. However, since changes have occurred over time, the site is tending towards a mixed-use character.

The lessee purchased the site for the purpose of commercial office development. In order to develop the site now, we would need to consider a mixed-use option, which would require a lease variation in order to add residential uses. Furthermore, the planning controls have imposed a 12-storey height limit on this block, which is lower than some of the surrounding blocks. The lessee's concern is that their block would in effect be a crater in a volcano, being at the centre of this precinct, and it would be prudent to allow the same height opportunities on this block as has been afforded to surrounding development.

The lessee would also like to convey that previously there was no height limit per se applied to this block. With the changes under DV364, a 12-storey height limit would now apply to this block. The aforementioned reasons regarding the fact that the character of the precinct would now be mixed use would tend the developer towards a residential mixed-use offering on the site as opposed to a commercial office

development, which would be incompatible with the character of the precinct. Therefore, the building height limit would present issues in terms of achieving a comparable level of residential amenity and the feasibility of the development with regard to the heights required to be achieved to achieve a similar design outcome as afforded on other blocks.

This reason is primarily that the majority of development around the site has structured above-ground car parking, which means that actual development occurs probably about four storeys above ground level. With a site of the size envisaged, with structured parking to the four levels, it is a very difficult prospect to create a viable development outcome on that site.

In response to our submission on the draft variation, the ACT government provided some solar modelling in relation to how the heights were applied to that site; however, the comments that I have made in the submission relay that we do not believe that that modelling takes into account the topography of the site or the surrounding conditions and the impact on those existing developments.

I will leave my comments there and hope that I have conveyed the sentiment of the lessee.

**MS ORR:** Ms Cirson, you said that there were a number of things that needed to be done in the town centre, including mixed use. Can you please explain your understanding of mixed use and what you mean when you use that term?

**Ms Cirson:** Mixed-use development from the developer's perspective—from anyone's perspective really—is having a viable mix of residential and commercial active frontages at the ground level, a variety of uses which enable people to live well in the town centre, which encourage vibrancy at all hours of the day, during the day; and that there is a commercial viability aspect. Often with mixed-use developments across the city, we see that some of the requirements across the city which required mixed use are not viable. There are often spaces left around the city that have ground-floor commercial space which is difficult to lease.

What we would say is that a good mixed use involves a strategic plan working out the commercial viability and the capacity of the square footage that is needed that can be sustained in any development. Town centres are particularly interesting because you have the opportunity to do a variety of things in a reasonably small footprint, providing opportunities for entertainment, shopping, retail, commercial and residential. All of that needs to be supported through dense residential development, particularly in town centres.

We have had a similar discussion around the Woden town centre in particular. Sometimes we are put in opposition to the community in terms of the outcomes we want for our town centres, but the fact of the matter is that if you want viable commercial and entertainment precincts, and things happening after dark, you need to have a good mix of commercial and retail.

I might go to George. He is a developer and probably has a good understanding of what makes commercial viability in that sense.

**Mr Katheklakis:** I acknowledge the privilege statement.

In addressing the question that Adina has been asked on mixed use, I would say that the term can be confusing because the definition is very broad. The assumption is sometimes that if you have a mixed-use site, the requirement is that you put mixed uses on the ground floor—say, commercial—and levels above, and various other uses. It does not take into account that within a precinct you could have buildings that just have one use within a mixed-use area. That still works.

From a planning outcomes perspective—Nichelle, you might be able to talk a bit about this as well—when you talk about a mixed-use precinct or district, it does not necessarily mean that each building has to itself be mixed use. The precinct just needs to allow for a variety of uses within it. For instance, section 2b, where your proponent has a site, was initially earmarked as a commercial precinct or an office park. That is not quite mixed use; it is really saying that it is predominantly office. Now that we have a situation where we have both residential and an opportunity to do commercial, that should not preclude anyone from just putting a commercial building within that precinct. That is my view.

That is the mixed-use definition. To be honest, it is a very unclear definition. It is sometimes a term that is bandied around to try and improve ground-floor conditions where you do not get sales on the ground floor, so they have access to things such as coffee shops—amenity essentially. It is really important that we do not get that mixed-use definition 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.

**MS ORR:** That is an interesting perspective. How do you then reconcile taking, say, the individual site? As a developer, you have just said that you will have a particular site and other groups can do things in the same precinct that can lead to the mixed use. What if everyone decides to do one thing and it does not end up being mixed?

**Mr Katheklakis:** I guess that is what market conditions dictate at the time. There is always a desire from a planning perspective to have certain uses within an area. Fundamentally, though, if there is no marketability around it—if it is not feasible, if the market does not support that use—the developer cannot actually provide that use. Otherwise, they would be providing a use that would never be accessed. It is not unusual to have a precinct that is earmarked for one use turn into something else because of market conditions.

**MS ORR:** I appreciate that, from a developer's perspective, you are running a business, and that is fine. From a planning perspective, though—I would like to acknowledge that I am a planner, so I tend to lean towards that side of the debate—we want good urban outcomes. I do not think they are necessarily dissimilar to what developers want some of the time as long as the numbers stack up. If the market cannot provide us with a good urban outcome, how do we reconcile getting a good urban outcome and also providing opportunities that the market can support?

**Mr Katheklakis:** It is a big question.

**MS ORR:** Yes. If you can answer it, I think many people would like to know.

**Mr Katheklakis:** I will wear both the developer's hat and an architect's hat. The planning itself and the development codes that you put around what you are trying to achieve are critical. It is also important to have the right intent from the start when you start a 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.

We are fortunate in the ACT. We have a leasehold system; we have a system that allows for certain uses and certain leases and blocks. We can control what uses go on those blocks. We are very fortunate in that sense. We also have the flexibility of doing a lease variation which adds uses should that be needed. The ACT is in a pretty fortunate position to be able to achieve those outcomes if you ask me. I do not think there should be anything that restricts it at the moment.

The situation with, say, a block that is initially bought for commercial reasons and an office, which has then been imposed a mixed use over the top, provides a really interesting question. I would think that that still has a valid reason to be commercial because everything around is still fundamentally mixed use, with various uses on the ground floor and above.

**MS ORR:** Does mixed use have to just stay on the ground floor? In conversation it has been directly said, and also indirectly said, that mixed use tends to get interpreted as ground-level activation and commercial. Does it have to stop at the ground floor?

**Mr Katheklakis:** No, absolutely not.

**MS ORR:** Can you explain to the committee what you would see as being quite a good mixed-use development on an object basis as opposed to a precinct basis?

**Mr Katheklakis:** I did not come prepared for this question. It is a really interesting question. What is a good example of mixed use? I am thinking of precincts in Singapore and elsewhere, where they go vertically in uses. For instance, you can have a foyer on the ground floor that leads to a reception on level 10 which then becomes a hotel but below level 10 it could be residential. That is a blend of mixed uses throughout the building.

The closest example we probably have here in the ACT is New Acton, where we have a commercial building above the ground floor, which is retail, and then above that you have residential. It is not easy to achieve. You have to manage various legislative requirements with strata title and ownership. You have to have a strong will to be able to achieve that. That is an example of a good mixed-use precinct that puts uses not just on the ground floor but on various levels through the development. As the city matures and gets more comfortable with height, I think we will start seeing a lot more of that.

**MS ORR:** Can you give me an example of a good mixed-use development in the Gungahlin town centre?

**Mr Katheklakis:** I am biased, but I have just completed a development in Gungahlin



which is on Swain Street. It is called Lumi. It is a simplistic mixed-use development in the sense that on the ground it has about 600 square metres of shop, retail or whatever you want to make with it—the uses are quite broad—and above that there are essentially 12 storeys of residential. What makes it good is not just the uses in it but the design itself. You have to have good access at the ground level; you have to have good legibility; you have to have good permeability through the site so that people can access the various sites in the building.

There are a lot of different factors that go into what makes good mixed use. It is not just the planning instrument that creates it. It goes far deeper. You have to start with good design, a good understanding of the urban environment that you are working within—a good understanding of place: what are the desire lines of the site, what is actually activating that site et cetera? As you are aware, as a planner, there is not a simple answer.

**MS ORR:** For my colleagues who might not spend as much time in Gungahlin as I do, can you run through what is in Lumi? You have the residential, which is, I believe, about 12 storeys. There are a couple of buildings in Lumi, aren't there?

**Mr Katheklakis:** Yes, that is right.

**MS ORR:** On the ground level, what commercial is in there?

**Mr Katheklakis:** We have five tenancies that are being leased. Three have been leased. There is a hairdresser. There is a fabric shop that specialises in high-end fabrics, which has actually taken up two of the tenancies because it has expanded already and it is popular. The other two we are looking at include other uses which I cannot disclose at this stage, but they are uses outside what I just said.

In terms of the development itself, it is a development that adopts a basement strategy as opposed to a podium car parking strategy. There are various reasons why we have done that. One of them is that it makes the ground plan more accessible and more permeable. However, it is a more expensive solution to undertake. It is something that I am sure the authority is looking at at the moment in terms of what is a better outcome.

**MS ORR:** I have more questions, but I will stop there for the moment.

**THE CHAIR:** We might throw to Mr Parton.

**MS ORR:** Sorry, can I just ask a last follow-up question before we change to a new substantive?

**MR PARTON:** Sure.

**MS ORR:** You have said that you have to consider the site and the context, that there is a whole heap of things that go into a good mixed-use development beyond the planning code. How do we get from meeting the bare requirements of the planning code to getting good mixed-use development?

**Mr Katheklakis:** I could not possibly answer that question in this session, but I am more than happy to take it on notice and come back to you.

**MS ORR:** Yes, that is fine.

**Mr Katheklakis:** It will require a lengthy discussion.

**MR PARTON:** Ms Cirson, with regard to the interim effect of this draft variation, it is very clear from the Property Council submission that you see the implementation of interim effect as a very blunt instrument. You have spent more time than I have in discussions with Minister Gentleman on these matters, and you know what he would say in response to that. I want to know from you what effect the implementation of interim effect has had on your members.

**Ms Cirson:** It is very difficult. At some point in the planning system, a line in the sand has to be drawn. The point that we make, through many submissions to planning consultations, is this. I am going to use simplistic terms because I am not a commercial person. People buy a block of land; they buy it under certain conditions; they undertake feasibility about what is going to stack up there, what is in demand from the market. When planning changes happen part way through that process, after they have purchased their land, there is a negative impact and the viability and feasibility of those projects become undermined.

When you have interim effect in any planning instrument, you effectively cannot proceed until the lengthy process of the rest of the draft is completed. As we can see here, this has its origins back in 2017 with the Gungahlin plan refresh. Years have gone by. People develop; people move through the process. All of a sudden, interim effect changes the playing field substantially and threatens the viability of these things.

**Mr Katheklakis:** Can I just add to that? The difficult issue about interim effect is that it has immediate effect essentially; there is no opportunity for a developer to mitigate their risk. If they had a certain direction with regard to the development as to the purposes for which they bought that land, suddenly they have been effectively sideswiped in a sense, because perhaps—it does not always occur—you may have had your use or your development right that you thought you had taken away from you.

**Ms Jackson:** Furthermore, if you are seeking to attract a tenant, an uncertain planning environment makes it very difficult to secure a deal and therefore proceed with developing a feasible option.

**Mr Katheklakis:** If that interim effect abolishes that right, yes.

**MR PARTON:** With regard to some of the specific details of things that are in that DV and the interim effect, Ms Jackson, you have suggested that the requirement to provide at-grade building access to ground levels for that block that you are focusing on, block 6 section 88, would make that outcome difficult to achieve? Why?

**Ms Jackson:** Difficult to achieve in the context of that site because it has particular topography where it slopes away. The developer has looked at different options and configurations on the site and has been working with an architect for a number of years to come up with a solution that fits the planning controls of the time. He had resolved that it would be difficult to achieve an at-grade solution in the way the wording of that

rule implied. He could achieve a solution that would approximate access and be an acceptable access solution; however, from the wording of that rule, at-grade access would probably be difficult for that site in particular.

**MS ORR:** Was he looking at doing a podium? Is that what he was thinking?

**Ms Jackson:** Yes, but also having at-grade access from one side, one street frontage, rather than the other. The wording of the rule implies that it is on both frontages.

**Ms Cirson:** The other thing that interim effect does is create a very unlevel playing field between people. If you have two sites that have been bought in the same period, and one has been developed, for whatever reason, ahead of another one, the effect of the interim effect is that the developed block is treated under the previous rules and the block which has not progressed as far is now subject to a whole different range of rules. So there is an unlevel playing field for neighbouring blocks that were potentially purchased in the same period. We have seen that outcome in Gungahlin.

**MS ORR:** Is the implication that you do not think there should ever be any change to planning rules because it creates uncertainty?

**Ms Cirson:** We would like more planning changes to happen more quickly. That is not the point. The point here is that if there is some indication of a change which is about to come into effect through a draft variation, we would argue that the interim effect just stops everything dead in the water for potentially two or three years before the variation is even finalised. We understand that there needs to be a process, but the effect of interim effect is that nothing happens.

**MS ORR:** I do find it a bit hard, though, because it seems as though this has almost come as a surprise, yet you have said that this has been going since 2017. I do not get where the surprise comes from. This is the process; it is fairly well known. I have sat on many of these inquiries. We had the same arguments for Woden, but I do not think that anyone could have said that they did not see a planning variation to Woden town centre coming, given all the work that was done there. I am at a bit of a loss to understand and to follow. Yes, it draws a line in the sand and, as you said, sometimes lines just have to be drawn. I do not know how you necessarily improve that. You have had years of discussion, years of developing for change coming forward. Then the draft variation comes. That is the natural progression. I do not know how you suddenly change this so that the shock you are saying happens does not happen.

**Ms Cirson:** The point is not about the draft variation. We support variations being made to the Territory Plan; otherwise, things would not develop in the way we need them to in terms of the growing population and having a city that is undergoing significant urban renewal. The point is around interim effect and the impact that has on development progression in an area.

**MS ORR:** My question to you is: if you put in a change, when do you give effect to it?

**Ms Cirson:** We would argue that you would go through the process of public consultation and develop the variation in response to the community and industry, development potential and things that need to happen, rather than just putting a

complete stop on it.

**Mr Katheklakis:** I suppose the effect is when it gets legislated, which is a period of time. It probably takes 12 to 18 months. When interim effect takes place, it is immediate from the announcement of that actual draft variation. That is the concern.

**MS ORR:** I think we are just going to run around in circles here. I understand the point, but I am not sure I agree with it, because you have to draw a line somewhere.

**MR BRADDOCK:** The limitation in DV354 of commercial tenancy leases to 200 square metres is of interest to me. I walk around quite a few mixed-use developments in the Gungahlin area and notice quite a lot of empty shopfronts. I would be interested in your perspective about that limitation and whether it makes it more difficult to find commercial tenants.

**Mr Katheklakis:** Are you referring to rule 35?

**MR BRADDOCK:** I cannot recall the exact rule number.

**Mr Katheklakis:** There is a provision in there that talks about five sections in the town centre requiring anchor tenants. Prior to that being satisfied, everything else around those sections is limited to 200 square metres for a shop. My only issue with that is that it may take a long time for all five sections to acquire an anchor tenant. In the meantime, in the interim, everyone else is limited to 200 square metres for a shop.

My personal view is that there needs to be a bit more flexibility around that. Whether it is 200, 300 or 500 should not make much difference. It is a different thing. Most of those are anchor tenants. The reasoning for that clause is somewhat similar to, say, an issue that arose in Giralang where someone does not want somebody else to get an opportunity to develop over 1,000 square metres of an anchor tenant of some sort. Under 1,000 square metres, I think it is fairly safe to assume that you are not going to have much impact. It is a good sort of area to provide various uses, with accessibility into the town centre—even more so now, with distribution networks wanting to be located in those types of areas.

**MR BRADDOCK:** It is broader than rule 35. It is rule 74. I am looking up other numbers as I go through. That limitation is repeated throughout the draft variation. My concern is that I see a lot of empty small shopfronts which are not being activated or utilised.

**Mr Katheklakis:** I do not know the exact percentage of shopfronts. Is your concern that the rule should be lifted or tightened?

**MR BRADDOCK:** My concern is that the current limitation is reducing the activation use of those spaces, so we are not achieving the quality and mixed use that we are looking for. What do we need to do to adjust that rule to ensure that we can make full use of that?

**Mr Katheklakis:** I tend to think that if you put wording in place that reflects the scale of the district, that is more appropriate than putting a blunt 200-metre limitation on it.

You might get a small-scale supermarket turn up and say, “I want a mini supermarket. It is 300 square metres. I think it is justified because the scale of the development around me requires that.” Under the current rules, you cannot, because you are limited to 200. They then say, “I cannot make it feasible under 300 because I need a certain scale in the shop.” So that opportunity passes by.

I think there is an opportunity to look at that clause and ask what could be more appropriate for the scale of uses that are currently emerging in the town centre.

**MS ORR:** My interpretation of that clause—and I have only given it a cursory read, to remind myself—is that it is based on there being a large retail anchor somewhere in the precinct. So it is going to that idea of mixed use being able to happen across a number of buildings. The 200 square metres is to complement that large anchor tenant.

We are focusing on everything being 200 square metres, which is what some of the testimony is now going to. We are saying, “That is maybe not a great outcome.” But it is on a wider scale; there is other stuff going on.

It is not entirely clear, and I appreciate that, but my question is this. Within the precinct, how do we make sure we are getting that mix and flexibility that you are looking for as a developer to make sure you have a viable development and the outcomes I am looking for as a local member where I have a really good, vibrant, active, mixed-use area that develops a lot of different outcomes for the community?

**Mr Katheklakis:** There are probably two paths you can take. One is that you have such rules in place and then you sell individual blocks within that section and hope that is the outcome you achieve. The alternative approach, which is becoming more common now across Australia, is to do with precinct developments. With a precinct development, you have the opportunity to control the uses and the size of the uses within your development. It means that you have a larger ownership structure that sits over the top; it does limit the amount of accessibility to those commercial opportunities to the medium and larger companies. That is one way that I am seeing that being addressed across Australia.

**MS ORR:** For clarity, can you say what a precinct development is?

**Mr Katheklakis:** A precinct development would be, for instance, a developer buying the entire section, developing a master plan over that entire section, and then delivering that outcome through stages or in one—

**Ms Cirson:** Like the New Acton development.

**MS ORR:** Yes, like New Acton.

**Mr Katheklakis:** Like New Acton, and there should be others. There have been other attempts as well; they just have not been completed yet.

**THE CHAIR:** I will just ask a general question. Do you think DV364 is going to support a strong employment base for Gungahlin? And if not, why not?

**Mr Katheklakis:** It comes down to the fact that you can do all the planning in the world but if you do not have the will of the commonwealth, in this instance, to bring larger departments into that area, it is going to be very difficult. The ACT government has made an effort to locate one of their buildings out at Gungahlin, and that is the only employment node at the moment that is significant. There are other small businesses. The ACT government has done its share. Provided the variation allows for the accommodation of larger format government offices, which are crucial not just as employment nodes but for increasing density [*Interruption in sound recording—*]. I say that because often people say “density” and think residential. When I think density, I think commercial. Commercial outweighs residential 10 to one. When you get a good commercial development with an office precinct in place, you have multiplied that density by 10 as opposed to residential.

As long as we provide the platform for commonwealth-style departments or agencies in Gungahlin, that is probably the best we can do for now. Then, essentially, we need to wait and see what the commonwealth are going to do and whether they choose to locate to Gungahlin.

**MR PARTON:** On employment, Ms Cirson, you have noted the change to the desired employment outcome for Gungahlin in this draft variation. Does that give you concern?

**Ms Cirson:** Yes. In the original plan, there was a very ambitious plan for Gungahlin to be a strong employment base. As George has alluded to, the objective of the ACT government was to build Gungahlin as that. As to any constraint on that or change to that ambition, given the light rail infrastructure that now exists there and the population growth that is going on there—and, I might just add, in the context of the post-COVID world where people want to live and work closer to where they live—there is a very strong case for us to be even more ambitious in developing this as an employment base.

Going to George’s point, it takes some commitment from government departments to do those sorts of things, but I have heard anecdotally over the last couple of years that the commonwealth would consider setting up mixed commonwealth department spaces so that people can work closer to home.

**Mr Katheklakis:** Almost like pods that people can dock into as opposed to going completely to work. You might have an office in Tuggeranong, but you can go to the Gungahlin base and log in and do your work from there.

I must say also that, on top of the planning regulations that accommodate this type of use, there is an enormous amount of incentive being put in place by various councils across Australia to attract people like the commonwealth. It should never be underestimated that it is not a given that the commonwealth will locate to somewhere like Gungahlin. It needs to be incentivised to move there. It is an imperative of any jurisdiction that it allows smooth passage for something like that to occur.

**Ms Jackson:** I would like to point out that my proponent is a case in point. He is on board with the idea of bringing employment to the town centre and has a site capable of providing commercial office development. With the changing character of the precinct, he could do it, but in attracting someone to that precinct, as opposed to on the light rail, having the office park changed to a mixed-use precinct has shifted the nexus

of office and commercial development from the western part of the town centre to the eastern part of the town centre. The point I am trying to make on his behalf is that whilst the right exists in his Crown lease to do so, the compatibility with the precinct now suggests that those sorts of tenants would be attracted to the eastern side of the centre.

**MR BRADDOCK:** I do not want to put words in your mouth, George; I just want to clarify what you are talking about. If we basically build residential on those blocks of land in precinct 2a, in essence ruling out the opportunity to create commercial areas there, does that have an effect to the detriment of the town centre in terms of creating employment opportunity? Is that what you are saying?

**Mr Katheklakis:** I would not say it was to the detriment. Nichelle is probably better off answering this. If it did not occur there, I think the proponent is simply saying that he needs the same rights as everyone else around him to go into, say, a mixed-use development of the same scale.

**MR BRADDOCK:** For 2b, I entirely agree. I am just talking about 2a.

**Mr Katheklakis:** I have not got a map in front of me, but are you talking about where we are putting current residential? Is that what you are talking about? Where the current blocks are being sold?

**MR BRADDOCK:** Yes.

**Mr Katheklakis:** Not every site there is suitable for commercial. You have to look very carefully around the light rail platforms and the stations and say, “Within 500 metres of those stations you should be focusing on getting the opportunity for large-scale commercial offices to occur.” It did change the landscape once light rail arrived in the town centre. We had a massive shift from any opportunity on the west to have commercial to being there on the east. There needs to be careful thought about how we release the blocks in the east and make sure that there is adequate reserve there for larger types of office development.

**MS ORR:** Is there anything in the draft variation that would prevent the development of office buildings? In that eastern part, we have mixed-use development. It allows for a range of uses. We are trying to get to this outcome where we have proper mixed use, we have commercial and we have commonwealth departments if they come. As a developer, is there anything in the code that you read now that would prevent you from achieving that outcome?

**Ms Jackson:** I will speak to that if I may, as I represent a range of people doing development in the town centre as well. I think that the impediment would be the wording of the requirement for the active uses at the 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. That can be worked around; however, it is sometimes an impediment to development of that type.

**Mr Katheklakis:** That is correct, yes. The other impediment is that there is a second layer of development, the release of the Crown lease. When the government releases

blocks of land, it comes with a Crown lease, with a series of uses attached to it. If the series of uses attached to it include residential, we suddenly go to the highest and best use, which is intended, so you will most likely see that block set up as a residential development.

**MS ORR:** Does the answer lie in better nuancing in the Crown lease but also allowing for greater consideration of—

**Mr Katheklakis:** Absolutely. Yes. Correct.

**Ms Cirson:** Correct.

**MS ORR:** So they are looking at retail and active frontages on ground level but looking for opportunities above ground level for non-residential use.

**Mr Katheklakis:** Don't limit the ground floor to just non-office uses.

**MS ORR:** Cafes and so on, yes.

**Mr Katheklakis:** You do have to have a degree of flexibility.

**MS ORR:** So it is around the definition of an active frontage and taking an active frontage to be something with a high trip frequency such as a cafe or a shop. You are saying that we should start looking at something that might have a lower trip frequency, which might be an office building?

**Mr Katheklakis:** I am saying that you cannot have a continuous line of active uses sometimes, especially if it is a commercial office building. You can have a cafe or you can have a small other shop, but to have this expectation that you are going to have a continuous promenade of cafes like the Champs Elysees is out of the question.

**MS ORR:** Do you think that we are not going fine grain enough in the planning to get the outcomes that we are requiring?

**Mr Katheklakis:** I think we can drill down further with the detail, as I mentioned. With the release of each site, there is opportunity to say, "We are going to restrict certain uses on this site." By doing that, you are telling the developer up-front, "Don't think about putting residential on this; this is a commercial site." They will then price it differently. As soon as you put residential on that Crown lease, they will price it for residential.

**MS ORR:** Can I just ask one last question very quickly? There is some theory within the planning world that suggests that you should have percentages of different uses to get a good mixed use—nothing over 60 per cent. You should have at least three different types of residential, commercial and retail et cetera. Do you think measures such as that could go part of the way to getting these more dynamic mixed-use developments going rather than just one level of retail and then all residential?

**Ms Cirson:** I think that 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. The



difficulty that we completely understand you have within the development of the Gungahlin town centre, for example, is that you end up with every building requiring a certain percentage of this, this and this—rather than looking at it more strategically. That is essentially the point that your developer is coming from. You have a desire to develop commercial, but because there is a requirement to deliver a certain percentage of this, this and this, there is no strategic planning being taken into account.

**Mr Katheklakis:** Can I just add something? When we talk mixed use and when we talk town centres, one thing that keeps getting missed is the parking strategy. We have not talked about parking; but when we talk about parking, there needs to be a strategy as to how people are going to utilise the parking facilities—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. It has light rail and it still does not have pay parking.

**MS ORR:** It does have pay parking.

**Mr Katheklakis:** Not from the government. The government has not engaged in pay parking, from what I understand.

**THE CHAIR:** We need to wind up there. We are going to run out of time.

**Mr Katheklakis:** I do think that pay parking needs to be considered in the strategies.

**THE CHAIR:** Thank you very much for your time this morning; it is much appreciated.

**Ms Cirson:** We are happy to take any further questions the committee may have.

**THE CHAIR:** We will be sure to lodge more if they come up. We did not have enough time for everything we wanted to ask.

**Short suspension.**

**ELFORD, MR PETER**, President, Gungahlin Community Council  
**COX, MR KEVIN**, Gungahlin Community Council  
**MARKS, MR DARRON**, Treasurer, Gungahlin Community Council

*Evidence from Mr Elford was taken via telephone.*

**THE CHAIR:** We have Mr Cox, Mr Marks and Mr Elford from the Gungahlin Community Council joining us for our inquiry into DV364 for the Gungahlin town centre. I will open up with a fairly general question. Can one of you explain to me how the views in the submissions that we have received represent the views of Gungahlin residents and not just the views of the Gungahlin council executive?

**Mr Elford:** That is a very good question. It is one that I think every community council in Canberra wrestles with on a daily and weekly basis—to capture the mood and the of the community’s they seek to represent and to effectively communicate that to our elected government agencies. One of the most obvious is that the community councils are all made up of volunteers, which is true obviously of the Gungahlin Community Council. We are all volunteers, so generally there is very little of a hidden agenda for people who are joining. That means you generally get people who are passionate. They are often natural leaders, in any case—people who are prepared to put their finger in the dike when they see a problem. Again, I am speaking personally, but I have had a look around (*interruption in sound recording*) and throughout the rest of the community councils they are passionate people who are prepared to give up their time (*interruption in sound recording*) purpose.

Having said that, it is a matter of conscience. It is about trying to see the right thing done. I think every resident of Canberra is justifiably proud of what Canberra is and what it could be. The garden city is a nice (*interruption in sound recording*) High on the list of things about what people we really appreciate. And when the community at large sees (*interruption in sound recording*) then trying to capture that sentiment is very hard. I could say that we run surveys—we do—and we work very hard to get more participation in those. The last survey we ran had 1,500 or so responses, which we are happy to share with any government agency that actually is willing to accept it. We have run open meetings and we publish our papers or submissions. So we have a high level of transparency in what we do. We put out a lot of stuff on social media. It’s not a perfect forum. We put out material in printed form. We have open public meetings. We take submissions from the website. We have a phone number so people can ring us. All of those forums are actively worked by the community.

**THE CHAIR:** Thank you for that.

**Mr Elford:** I was also going to point out that we put out a fairly contentious position like stopping the sale of land in the town centre, and over 700 people signed that petition. So very significant out of the population of 70,000 people.

**MR PARTON:** Can I just say, on a practical note, that if you are on hands-free on the phone, the audio would be much better here if you reverted to the receiver.

**Mr Elford:** I am on a headset, but I will try—

**MR PARTON:** You are on a headset. This may be as good as we are going to get.

**Mr Elford:** Is that better?

**MR PARTON:** It is similar. I do not think it changes it much at all. I was just trying to get a better outcome.

**Mr Elford:** I will put the headset back on.

**THE CHAIR:** I am interested in whether you can lodge a report or the responses of the 1,500 surveyed as an indication of your representation. Thank you for your answer.

**Mr Cox:** It is a really good question about how the Gungahlin Community Council can purport to represent the views of the Gungahlin community. We actually do not purport to represent the views of the community because we know that we cannot do that. What we can do is listen to what the community is saying—the people who talk about these things, the people who are really interested in the particular problems—and report back on what happens. Again, that does not actually solve the problem. It is one of the avenues that the government has for being able to get the views of the community.

We do not pretend at all to be the sole representative of the views of the community. We are here to do the best we can. I think we do a pretty good job. Most of the members of these community councils are members of many other organisations. They get the views from those organisations, not formally but informally, so they can try and reflect that. Most of the strong discussions within the community council itself tend to be around: are we really trying to represent the views of the community or are we trying to push our own agenda? A lot of effort goes into making sure that we do not get people with special interests who are simply there to present that point of view.

**MR PARTON:** That is a really good answer.

**Mr Marks:** I can quickly answer that as well. I would suggest that the Gungahlin Community Council, made up of volunteers, is the only organisation within Gungahlin that is consistently engaged with the community. What comes out of YourSay from the government is often devised by people who maybe do not live in the community and do not have a consistent connection to the community. The Gungahlin Community Council is essentially the medium that the government uses in order to communicate things to the public. If you have a development going on, you come to the community council in order to get that feedback from the community. I would say it is one of the few unsoiled aspects that the government could use in order to get that feedback directly from the community. That is why we have our meetings and that is why we broadcast our meetings on Facebook.

The problem with Gungahlin is that it is very difficult to engage with the community. Many members of the community are a younger demographic and many of them often do not have the time to come to meetings. We have had to be more creative than maybe other community councils in order to engage with the general public by using Facebook and broadcasting on Facebook and things to reach people, because they are too busy. One of the problems is that often these people work in other areas of Canberra and do not have employment within Canberra. They are often stuck on the arterial roads; they

are essentially chocked all the time. They often get home very late and do not have much time to attend these types of meetings, unfortunately.

**MS ORR:** I know the community council has been quite strong in its view that there needs to be a retention of opportunities for commercial development. Can you just step me through what you see there and how the draft Territory Plan variation will or will not give life to the outcome you are trying to see?

**Mr Elford:** I guess this goes to the premise of everything we have done this year. In our submission we talk about community expectations. I think it is fair to say with respect to Gungahlin town centre, that it is a lot like any other town centre in Canberra—it is a district centre, and we expect all of the employment, retail, community and recreation facilities that every other town centre would have. What we have seen is that—through a combination of history and a failure to rigorously apply the Territory Plan—large areas reserved for office space development have been subsumed by high-rise residential. That has now been lost to future office space. This variation is proposing to alter the precinct code to allow more residential at the town centre at the expense of reserving land that would form the basis for employment.

On behalf of the community, we cannot see how that would form a viable town centre, because the definition of a town centre in Canberra is a major employment hub. At the moment, unless the community rises up and identifies an alternative reason to attract and retain people to the town centre to support businesses in the town centre and we have facilities to bring people to the town centre, like community recreation, it is hard to see how the town centre would be viable. The history that no land has been sold for commercial use—and the existing commercial land has been overtaken by high-rise residential, so to then argue that we need to make less land available because we have not sold any in the past seems completely counterintuitive and irrational. We should, in fact, be reserving more and putting better efforts into creating substantive concrete and compelling reasons or incentives for businesses or other organisations to establish a presence in the town centre.

**MS ORR:** Is it as simple as saying that we need to have X amount of land just for commercial or, in looking at having mixed-use areas, is it saying that more of the mixed-use development, more of the individual development, needs to be nuanced to include commercial? Do we just reserve the land or do we actually look at what goes into the building on the land?

**Mr Elford:** I think it is a much more sophisticated conversation. As we articulate in the paper, just reserving the land and assigning these conditions to it is a 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.” That is a woefully inadequate response.

There absolutely needs to be a much more focused agenda on having a strategic plan for the town centre, not just around land use but also around traffic planning, parking and retail opportunities, so that we can establish some other reason to attract and retain

people in the town centre to deliver on your promise—that is, to minimise the time and distance people have to commute into work from the district and to minimise their travel time to and from services in the district, which, as we outlined in our submission, is a clear goal for all districts. If the government has somewhere another agenda and a clever strategy for making the town centre in the district of Gungahlin viable, let us sit down and share it with industry and the community, and let us get on with it. But at the moment there is no vision.

**MR PARTON:** Peter, you played a big role in the consultation which led to the development of the 2018 Gungahlin town centre planning refresh. What do you see are the practical outcomes of that process?

**Mr Elford:** The practical outcomes are that it was recognised that the height controls that were in the Territory Plan had failed. They recommended alternative height controls, particularly in the north-west corner precinct. I am sure all of you are well aware, it is slightly moot point, as most of the development in those areas has already happened with development height greater than what is proposed in DV364. In terms of a material outcome, that is one positive outcome of that process.

**MR PARTON:** You certainly raise concerns about outcomes of that process not being what was reflected during the process?

**Mr Elford:** Absolutely. The change between the community engagement report and the snapshot document—a period of about six or seven months—was, I think, shocking. It was quite a shock to see what conclusions and recommendations had been proposed by the planning directorate in the snapshot, because the issue of commercial space and converting large portions of east Gungahlin to mixed-use had not been aired with the community as part of the earlier consultation engagement summary.

**MR PARTON:** You have described the consultation on this draft variation itself as woeful. You do not think that there was enough genuine community engagement?

**Mr Elford:** I think the early engagement leading up to the production of the engagement report was actually pretty reasonable. There were lots of forums for engagement and there were stakeholder workshops, which I think are very important because you get a more nuanced, more educated opinion. Then the production of the engagement report, apart from one minor thing, I think, was good.

The substantive changes that we are concerned about in terms of DV364 were only ever produced in the snapshot, which was essentially the skeleton for DV364. The only consultation done on that was the publication of the draft. There was very poor advertising that the draft had been published. There was a ridiculous two-hour pop-up session in front of Woolworths on a Saturday morning. And I think that was it. To say that the consultation that was had at the beginning was actually a consultation on 364 is simply not true.

**MR PARTON:** In relation to your reflections on consultation regarding the Gungahlin town centre planning and this particular draft variation, can I ask a broader question? It could certainly be open to Mr Cox or Mr Marks as well. Does the Gungahlin Community Council have any genuine trust in the ACT planning system?

**Mr Marks:** The first thing I would suggest is that trust in the planning system would be access to the planning minister. So far, in relation to the questions that have been put to the planning minister, the planning minister refuses to come to any of the Gungahlin Community Council meetings and refuses to face the public in order to answer questions about the choices that are made in planning. That concerns me a lot, because the minister is not willing to even come to the region in order to talk about the community concerns that exist. There are quite a number of them.

I will start with the fact that in the GTC planning report of 2010 the government concluded that these areas within the office core were to be reserved and residential would be specifically prohibited. Why was that? A decision was made at some stage. I can tell you the reasons as to why the 200,000 square metres, which includes the business park, which is no longer a business park—it is now mixed-use residential—was removed. We lost the employment opportunities that were related to that business park. It is now a high-rise residential development. So we have lost our business park. What is happening with the remaining 100,000 square metres, which is in the precinct that we keep talking about, which is yet to be developed—it is labelled as the office core—is that it is to be reduced from 100,000 square metres to 65,000 square metres. That is to be reviewed again in five years time.

My concern is that during the Gungahlin refresh engagement, the three key issues that were discussed were building height and character, upgrading and enhancing public spaces and walking, cycling and road transport. From that, somehow in the Gungahlin refresh snapshot, a change to residential was taken. What I do not understand is that during that engagement process the only people who were responding to those three questions that were wanting to change to residential seemed to be coming from developers. Nobody was specifically asked the question during that engagement process about whether or not there was any demand to be changing from commercial to residential. If you have never asked the question, how do you come to the conclusion that is in the planning refresh snapshot report which says there is a strong demand from the community for residential?

**Mr Elford:** The reason you do planning is to deliver a public good outcome. I think it is fair to say that in Gungahlin we have had numerous examples where what the minister has acknowledged and what the key planning recognised is our planning system has failed to deliver. We have, across Gungahlin and across Canberra, very low trust in the planning system to deliver good public outcomes. It does not appear like it is weighted to balance the needs of industry, the community and the government. We believe that trust in the planning system is extremely low and these processes just undermine it further.

**Mr Cox:** I think that a lot of really good stuff has been done. A lot of the things that we hear from planning people are really good, but I think that they are operating under very difficult circumstances. The developers here, I think, hit the nail on the head when they said that you need to have an intention as to what you are trying to do and what the outcome is going to be. You need to look at it as a whole, not a series of little precincts and little blocks of land. We want a vision. We would love to have a vision for what the town centre is going to be. Maybe it is not right and maybe we modify it as we go along, but let us have a vision for what it could be and work towards that rather than,

as appears to happen, it being driven by the land release program, to be cynical. A lot of the stuff, I believe, happened because there was a need for land to be released. Which land can be released? We have done a lot in Gungahlin, so let us do that bit. Rather than trying to have a holistic approach to things, it is driven by this commercial need for the government to raise money.

**MR BRADDOCK:** What would be the community council's vision for Gungahlin?

**Mr Cox:** It is not up to the community council to have a vision, although one of the visions that I think a previous president issued was that Gungahlin residents should not have to leave Gungahlin for most of their activities. That is not a bad sort of vision, if you like. It is a bit like the vision for our creeks; we would like to be able to swim in them. How we actually get to these things is not our job, as it were.

**Mr Marks:** There was a vision in the GTC planning report back in 2010. The vision was for 10,000 jobs in Gungahlin; that was the number. Unfortunately, square metreage space has been halved, essentially. So now we are left with 5,000 possible jobs that could exist in that area. One of the things that they looked at in that original report, and you must read it—it is required reading; you really need to have a look at it because it was quite in-depth—was the square metreage of commercial space in other regions—in Tuggeranong, Belconnen and other areas of Canberra—and they tried to look at what made that a viable community. Commercial space was a big part of that, in order to have a viable community.

The thing that the developers talk about here is activation. But if you have residential apartments in that area, there is a mass exodus in the morning. Who is there during the day? One of the things that were brought up was COVID. What is very interesting about COVID is that all those office workers were working from home. What was happening to the town centres which people were not going to anymore? The businesses were suffering. The businesses were suffering because nobody was going to visit those businesses because they were in the workplaces that exist in those areas.

That is what makes a viable town centre, and that is key to planning. That is what you never hear from Mick Gentleman when he talks about the fact that he does not want to prejudice what is being built in Gungahlin and that he would like to organically come about. That is not what planning is about, and that is not the decision that was made in 2010. In 2010, there was a clear vision and a clear guide as to what makes a viable town centre. That, back in 2018, was essentially scrapped and there are no recommendations as to why. That is very interesting.

You have to ask yourself the question: where is the evidence in there that suggests that we cannot get business to Gungahlin? Why is it that we have to move from commercial to include residential? The developers themselves said, "If you include the option of mixed-use, you will get residential." We have seen new options in Gungahlin where we have had people buy blocks of land. There is a red herring here that says that if we cannot have a federal government department, we cannot have commercial; we must go direct to residential. What about retail? What about these other options? A TAFE is being set up there, so education.

The problem is that the government is not being imaginative enough to look at a

program to attract business to this area. We are simply saying, “If we cannot get a federal government department, we cannot get commercial.” You are essentially saying that commercial is only government departments and that is it. I would like to think that Canberra is a little bit more diverse than just the federal public service. There are other options, but it is hard. You must actually make things attractive to that region by maybe varying the rates and things that are in a particular section. Peter has said many times that you have already done that for universities in the city with peppercorn rates and things like that. There are levers that you can pull. You are just refusing to do so, and refusing to include them.

**THE CHAIR:** We will be seeing the minister in these hearings shortly. I have noted that a lot of issues have come up, and I know that a lot of these questions have come up in the past from GCC. If there were one question you would like the minister to address, what would it be?

**Mr Marks:** Employment and looking at why Gungahlin has essentially been ignored as to what has been afforded to other suburbs. That initial planning report looked at what made a viable town centre, why commercial was so important to it and why employment was needed. What I do not like is when the minister just has a canned response. I have listened to all of the responses that he has given and it is almost like they have been written down for him. He has said, “I don’t want to get involved.” I feel like Gungahlin is a sacrificial lamb here for more housing at the expense of what is needed to build a community, which is commercial, employment and jobs.

One of the things that I will tell you I am most concerned about, and it is reflected in the Gungahlin Community Council survey, is that when I looked at that engagement report, I did not see a direct question that asked whether or not the community would be in support of any change to the prohibition on residential in that area. What I noticed on social media and the things I looked up was that people were very angry every time a new residential development was built. They did not want it; they did not want any more residential. They wanted something that they could use as a community, whether that be retail or whether that be a commercial office building.

One of the things that I am concerned about is this: when did you ask the community about that change? Where did the strong demand for residential come from, because it did not come from the community? We did our own study. Our study revealed that over 50 per cent of people were completely against any more new residential and 25 per cent or so were for a small amount—25 per cent or less—of residential and the rest commercial. When we did our own study, we found there was no strong demand for residential. There was strong demand for commercial and retail.

**Mr Elford:** What I would really like the minister to address is to acknowledge that there have been two motions in the Legislative Assembly, petitions and the advocate there, the GCC, on behalf of the community, that indicate that there are problems with the development of Gungahlin town centre. I want the minister to acknowledge that clear and direct evidence that there are large parts of the broader community that have concerns about the development in terms particularly regard to the provision of employment, retail, amenity and recreation services, as well as what whole-of-government activities can be initiated extremely quickly to address that. If we do not address those problems—and we have put these questions in writing to the minister on



numerous occasions—then the opportunity to fix what is already broken will be lost. There is a level of urgency and the acknowledgement that we are seeking from the minister for planning.

**MR BRADDOCK:** We have spoken about the consultation process up to and including the town planning refresh in questions from Mr Parton. What is your view in terms of the consultation post then and up until today? Do you feel like it has been meaningful consultation?

**Mr Marks:** No.

**MR BRADDOCK:** Have your concerns been at least identified or addressed by the directorate?

**Mr Marks:** No.

**Mr Elford:** No.

**MR BRADDOCK:** Those are very simple answers.

**Mr Marks:** Yes.

**Mr Elford:** We have had numerous emails with the directorate; the responses tend to be dismissive to the point where you get to the actual issue you have addressed, but you do not get a response. In fact, we had correspondence with the directorate in January where we had to email three times to get clarity of what was happening with regard to draft variation 364, given that interim effect lapsed last year. Eventually, we just had no response from the directorate and we raised with the minister, ‘What do we do about that.’ We had a link with some correspondence, which was published on the webpage, which ultimately led to us issuing calls, because we were not given answers other than, ‘‘We are going to put this to an inquiry,’’ which is terrific, but then again there is an ongoing urgency (*interruption in sound recording*) the budget. Our position remained that as an alternative to what is happening now, we will continue to advocate to stop selling land because we are committed to ensuring good outcomes.

**Mr Cox:** The consultation is actually much better than it used to be. Things are improving, but I think that, as we start to get some reasonable consultation, we know it can be much better. I think the direction, if you like, is starting to improve. We would encourage the government to keep along the path in trying to do better.

**Mr Marks:** I would say that the engagement that we have with the government, whether it is with the planning department or whether it is with the Suburban Land Agency, is essentially about the fact that ‘‘we have kind of made a decision and we are kind of going in this direction’’. When you talk to them, it is like, ‘‘Can we horse-trade in order to get to this objective that we want’’—it is predetermined—‘‘and what are you willing to give up in order to get that?’’ That is why the only thing that I have seen and the only people that I have seen that get how serious the issue is are the ACT Greens. Essentially, they have stuck their neck out on behalf of the community. Even Shane Rattenbury. What I read that he wrote about this situation was, ‘‘We’re not going to sacrifice this community.’’ Essentially, that is what it is; and there is more to it with

this—

**Mr Elford:** Can I just quickly interject? I have seen all sorts of community consultation. It is not structured for success as a mechanism for local communities to put to government through community councils. There is no district or spatial view of how services are delivered to a citizen. There is no overall convenor of all things in Gungahlin and so forth. The structure of government, agencies and directorates, do not appear to be set up for success. There is nowhere inside government where Gungahlin will *(interruption in sound recording)*. It should be up to all governments and directorates to present to the community *(interruption in sound recording)* but it is a difficult place. Now that these districts have 80,000 to 100,000 people, we really need to have a better way of reflecting that in the way we conduct *(interruption in sound recording)*. Whole of Canberra directorates tend not to be as well joined up. I am sorry. I am going to have to sign off now.

**Mr Marks:** One of the things that I wanted to lead off with is the fact that Gungahlin is very interesting. Gungahlin is one of the few areas within Canberra that the ACT government has had control over the formation of. This is your first opportunity under the umbrella of the federal government to really construct a viable town centre. I think that a lot of decisions have been made to this point which are, essentially, not in the interests of the community. My suggestion has always been about whatever the will of the community is, I am in favour of. It is not about me personally; it is not about what I want. It has never been about that. It is about the fact that the basis on which you have made all of these decisions to create DV364 has not come from the community.

It has been said—and you must accept it—that the community has strong support for all of these changes, when that is not the case. I would be quite happy for you to go and have a YourSay, like we did. We asked the community specifically what they would like with this area and whether they would like more residential or to keep the prohibition. I think the answers would be very telling. Personally, I think there should be a stop on that area. It should go back to community consultation. Do it right; actually consult the community on more than just building heights, upgrading and enhancing public spaces and walking and cycling infrastructure. It is more about what do they actually want and do they want more residential apartments. I can guarantee you that, from my experience, they do not want any more of that.

**THE CHAIR:** Thank you for your time today. We are having a private meeting now, but you are welcome to come back, if you would like to, at 11.30 and hear what the minister has to say.

**Short suspension.**

**GENTLEMAN, MR MICK**, Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

**PONTON, MR BEN**, Director-General, Environment, Planning and Sustainable Development Directorate

**BRADY, DR ERIN**, Deputy Director-General, Planning and Sustainable Development, Environment, Planning and Sustainable Development Directorate

**KAUCZ, MS ALIX**, Senior Director, Territory Plan, Environment, Planning and Sustainable Development Directorate

**GIANAKIS, MR STEVEN**, Acting Senior Director, Strategic Planning and Reform, Environment, Planning and Sustainable Development Directorate

**THE CHAIR:** We will recommence our hearings on DV364. Thank you all for coming, and thank you, Minister Gentleman, in particular, for coming.

I will start with a general question about what we have heard this morning. We have heard from the developers and the property lessee representatives that mixed-use development will go to the highest value use, which tends to be residential, and we have heard about quite a lot of challenges and frustrations in filling Gungahlin town centre and in finding employment opportunities there. We have heard from the Gungahlin Community Council. There was a range of views there. There were some quite strong words put that the 2010 refresh was good and that there has been quite a lot of consultation but that the YourSay consultation did not actually address residential. We have a very strong push in the variations we are seeing now that will move back towards mixed-use and residential, and we have heard a lot of general concerns about what we do to build strong employment in Gungahlin town centre. I would love to hear your views on how DV364 intersects with those different opinions and concerns.

**Mr Gentleman:** Thanks very much, Chair, and I have read the privilege statement. Thanks for the opportunity to respond. What we have seen in Gungahlin over recent years is the government's fulfilment of light rail to the Gungahlin town centre. We have seen an increase in interest in residential living within the town centre, and a lot of that is due to the delivery of light rail. Therefore, we have looked at the opportunity to provide some more residential opportunity in the centre through this process. But we have also looked at the need for commercial. However, we have not had an appetite, I would say, for large commercial use, so we have not seen the commonwealth government, for example, say, "We'd like to set up a big department in Gungahlin." There has been some indication we might see DHA set up in Gungahlin, which would assist in the sense of providing more job opportunities, but it has been a different look at the way other town centres have been working.

We have had this conversation before—there are large commonwealth departments in many of the other town centres but they have not chosen to set up in Gungahlin. With that, we have looked at those needs that I have just discussed, particularly the opportunity for more residential. People do want to go and live in the town centre, and so this variation gives us a chance to have a look at that, particularly in the two parcels of land to the east of the centre that we are discussing in this DV.

Of course, we have not allowed interim effect in those particular areas, so it still allows for a large commercial opportunity at the moment, until this DV would go through. If

there was an interest, we could certainly look at that.

**THE CHAIR:** How was the interest in more residential expressed? How did you get that view? What is the current occupancy rate of the residences that are there already and the commercial spaces?

**Mr Gentleman:** I would have to go for directorate assistance on that, with the details.

**Mr Ponton:** In relation to residential and the references in this morning's evidence, there was reference to accommodating for residential need and a demand for residential. I know the community council was talking about the survey they had undertaken with existing residents, and what they were saying was that there is not a strong desire for residential development in the town centre. But, of course, in planning we need to also look at planning for future citizens. So in terms of that demand, it is not demand from people who already have a home in Gungahlin; it is about looking at demand for people who will be future citizens.

In terms of understanding how we accommodate growth in the city, there are a range of other documents; they are not just Gungahlin specific. For example, for the ACT Planning Strategy 2018, there was extensive community engagement through that refresh process, and that built on the 2012 planning strategy. A key government policy within the planning strategy is that we would accommodate future growth primarily within the existing urban area, in town centres and along transport corridors.

When you start to look at those broader policy objectives, there is a need to provide for residential development within the town centre, but, at the same time, it is about balance. We do not want to see all of our town centres being just one use—just residential. We need to accommodate that residential growth, and we can do that through a range of provisions.

In terms of mixed use, again, I listened to the commentary this morning that suggested that if we provide for mixed use that means that there will not be office accommodation. That is not necessarily the case, in my view. It is about how we make sure that we can release land that provides for a range of uses, so that we do get that mix. For example, in Braddon we see smaller tenancies on the ground floor, offices on level one and then residential above. There are ways we can achieve this in the finer grain, and that can also be done through the Crown lease, upon the lease of the land.

**THE CHAIR:** And in terms of vacancy?

**Mr Ponton:** I do not have that data immediately to hand. But, as it happens, I had the opportunity to visit a recent development in Gungahlin just this week, the Lumi development. Because of the sustainability measures, there was an opportunity for the Minister for Sustainable Building and Construction and me to have a look at that. Talking to the proponent, they mentioned to us that out of the 142 units there, all but two have sold and I think all but 12 were owner-occupiers.

**THE CHAIR:** I wonder if you could come back, on notice, with vacancy rates. Is that possible?

**Mr Ponton:** If we have that information available to us, certainly.

**MR BRADDOCK:** I would be very interested to know if vacancy rates are just based on advertised properties for lease versus those known as residential that have not been made available for lease.

**Mr Ponton:** Again, if we have access to that we will certainly provide it.

**MS ORR:** Chair, are you asking for units or commercial tenancies as well?

**THE CHAIR:** I am interested in both. I would find it quite useful information to have when considering what we are building, what is already being used and what is unoccupied.

**MS ORR:** It has come up quite a number of times in the submissions we have received and a little bit in the testimony that we have heard today about realising a vision for Gungahlin town centre and not necessarily everyone being clear on what the government's vision is. I would actually really appreciate it if you could take me through what is the vision for the town centre.

**Mr Gentleman:** What we want to see is a thriving town centre that provides the opportunity for people to live and recreate, be close to friends and be close to very good public transport. We have ticked a number of those boxes already. It is, as I indicated in the original answer, a different town centre. Each town centre across the ACT has different virtues and attributes and they all operate a little differently. So I think we are moving along that path.

As indicated by evidence this morning, people are concerned about employment in the town centre—they would like to see more. But we have not seen that cross-parity on whether there is a commercial opportunity that provides employment. A lot of people transit out of the town centre each day and return each evening. COVID has changed that a little bit, and we have seen decreasing numbers on light rail and public transport because a number of people are working from home. But I think that early indication of a thriving town centre, a bustling opportunity for people to live and recreate and join with each other in a community is a reasonable vision for the town centre.

**Mr Ponton:** The original 1995 planning talked about a centre that provided for open-air opportunities in terms of retail. It talked about mixed-use opportunities, and that was reinforced in the 2010 work and further reinforced through subsequent work as well. That has been consistent in terms of what the government sees Gungahlin ought to be.

**MS ORR:** How did the changes in the Territory Plan variation give effect and give life to the vision that the minister has just put out?

**Ms Kaucz:** I have read the privilege statement. Currently, in the Gungahlin precinct code we have a statement of desired planning outcomes. That is being revised slightly with this variation. That comes into play, particularly, in some of the criteria within the code. It refers to desired character. The definition of desired character refers to zone objectives and any statement that explains what might be a desired outcome for the area. So that is where it gets brought in.

That will be part of an assessment process—things like looking for a mix of land use types and densities and providing opportunities for people to leave work and recreate. It will also be looking at the distinct public domain character, providing opportunity for variety and change in the public realm and providing for a range of employment within the town centres. So all those different elements of the desired planning outcomes will need to be considered as part of a development assessment process.

**MS ORR:** I think it is fair to say that the sticking point we are having throughout all of this is the employment base and the commercial opportunities. I do not think that will come as a surprise to anyone who has paid attention so far. How does the Territory Plan variation and what we are putting in place for the development code for the Territory Plan variation enable those opportunities? What are the limitations of what we can achieve through the Territory Plan variation alone?

**Mr Ponton:** The Territory Plan variation—I am sure you are aware of this, and it was talked about this morning—does propose to set aside certain land for 65,000 square metres of commercial office accommodation. I think that is important. I appreciate that that is a reduction from the original 2010 work, where it was about 200,000. There is about 35,000 square metres already; therefore, if we look at 100,000 square metres, there is 65,000 to go. That is set aside just for that use. But, of course, then there is what needs to be done to attract a large-scale office tenant. We are aware of the resolutions of the Assembly in recent times and what continues in that space. But, importantly, the Territory Plan variation does not preclude offices in other developments.

In terms of the mixed-use development, as I said before, we can have smaller scale offices. Office accommodation does not need to be 20,000 to 30,000 square metres in chunks; you can have 1,000 square metres, 2,000 square metres, depending on the nature of the business that is attracted to the town centre. From my perspective, having that area set aside for that 65,000 square metres but not precluding office accommodation in other land releases is a really important consideration.

We are also doing some work with our colleagues in the Suburban Land Agency, so as land is brought to market we are making sure that future draft Crown leases that go to market also consider those issues so that we do not have sites being released and just being developed for a residential development, because we understand and we are hearing that that is a concern.

**MS ORR:** Should I take from that, then, that it is not solely about what happens in the planning code but it is also about how other complementary settings go to delivering those outcomes?

**Mr Ponton:** Correct.

**MS ORR:** What other levers could be used to better enable those planning outcomes that you have zoned the land to achieve?

**Mr Ponton:** In terms of the planning—I have talked about this before, many times—it can only go so far. Planning cannot achieve all of the outcomes. We can provide the framework, but then we need to have the private sector come in and build buildings

within that framework. We have more ability through the Crown lease in the way we release land, and that is the other lever that we are currently working on with our colleagues in the Suburban Land Agency, in terms of looking at the planning framework, the land release program, the planning strategy and all of those other policies and what we might need to do in the Crown lease to drive a particular outcome. That is probably the key.

**MS ORR:** Is there anything in addition to that that you could suggest that could help enable the work? Those are the levers within the remit of your directorate. I am also thinking of what is outside of that.

**Mr Ponton:** Certainly there were some other economic levers, and that is outside of my directorate, so it is not something I would want to comment on here.

**MS ORR:** That is very diplomatic, Mr Ponton.

**Mr Ponton:** But as part of considering the recent resolutions of the Assembly, we are working with our colleagues—

**MS ORR:** But is it fair to say that the levers you have could be enhanced by some other bits and pieces outside of your control as well?

**Mr Ponton:** Potentially, and they are the conversations we are currently having with our colleagues in Economic Development and also Treasury as we develop the response to the Assembly resolutions.

**MR PARTON:** Minister, Darron Marks from the Gungahlin Community Council expressed his frustration this morning at what he described as a lack of access to you as the minister. Have you attended any form of Gungahlin Community Council forum on these matters and how would you reflect, as minister, on those frustrations from Mr Marks?

**Mr Gentleman:** I do attend community council meetings where I can, and there have been invitations to numerous community council meetings over a number of years. Of course, I am well aware of the Gungahlin Community Council's concerns, particularly over these recent conversations. They have written to me and I have responded to them, and I have responded to them during our parliamentary sittings as well, at the same time. I also met with them at our EPF, where the last discussion was focused on what we are talking about today.

**MR PARTON:** That was when?

**Mr Gentleman:** Two weeks ago.

**Mr Ponton:** It was 28 June.

**Mr Gentleman:** There are many forums to discuss issues dealing with Gungahlin, and the community council is one of those. We try to get across as many as we can. Ministers' diaries are quite tight, but my view is that if we can address their concerns and answer them, all the better if we can do it in person, yes, as we did at the EPF, but

we cannot always get to each community council meeting.

**MR PARTON:** So you have not attended a Gungahlin Community Council meeting on these matters?

**Mr Gentleman:** No, I have not been there for a number of years.

**Mr Ponton:** Having said that, I have represented the minister most recently in April, when I attended the Gungahlin Community Council meeting with two of my colleagues—the executive group manager responsible for strategic planning and the executive group manager responsible for urban renewal and community needs analysis.

**MR PARTON:** Minister, is it your intention to attend a Gungahlin Community Council meeting at any stage in the near future?

**Mr Gentleman:** Where possible.

**MR PARTON:** So you would like to attend? You will be attending?

**Mr Gentleman:** Yes.

**MR BRADDOCK:** The hoped-for office space has dropped from 200,000 to 65,000. What studies have been undertaken to understand what the impacts will be on the Gungahlin district through such a reduction?

**Mr Ponton:** Firstly, it is from 200,000 to 100,000, but 65,000 has been set aside for future land release. That takes into consideration what is already in the town centre, as I understand it. Mr Gianakis might be able to talk about the work done to support that recommendation to government. I also note that when I attended the Gungahlin Community Council we had a general conversation around this work as well.

**Mr Gianakis:** I suppose this demonstrates the challenge we are facing of being able to look forward whilst looking back and trying to balance the amount of land we believe can be reasonably projected for what the needs are. Each town centre is different; each town centre, to a degree, is in competition with other town centres, not only for employment but for residential, for community activities and from the retail perspective. We also have significant competition in the commercial space from Canberra Airport.

So in the work that we did, we took all that on board. We did not do a commercial needs assessment. What we were looking at was more in comparison to other town centres: what levels of commercial employment they have. Then, using some projections which we modelled based on the number of residents, we came up with a revised figure of 100,000. The 200,000 from 2011 again was a projection; it was an estimate based on a series of projections at the time.

With all planning processes it is appropriate to review, to revise as a situation changes, and that is in essence what we did. The situation has also changed in the last year and a half, two years due to COVID. Canberra Airport is still expanding and developing new commercial office buildings that unfortunately may attract employment from the centre of Canberra and other town centres. That is not a desirable outcome because we want



to be able to have a range of uses within each of our town centres, whether that is employment, recreation and/or residential.

**MR BRADDOCK:** Thank you for a comprehensive answer, but that does not actually answer the question. I am seeking to know: does the government understand the impact that dropping from 200,000-odd down to 65,000 will have on the Gungahlin district? I raise this because the Suburban Land Agency, as part of the consultation on DV364, highlighted that as an area of its concern.

**Mr Gianakis:** Not necessarily. We have not done a specific assessment as such, but not all prospective employees live in the districts where the employment is. People travel, departments move, agencies relocate and the like. But what we are looking at doing is providing some further opportunities by reintroducing residential into that precinct. So where there is potentially a change in the number of employees or people in the centre, introducing new populations may, to a degree, offset that loss. But, again, it was only ever a projection; there was never 200,000 square metres of constructed office buildings.

**Mr Ponton:** In terms of the commercial office accommodation, the 65,000 square metres is what we are looking at setting aside. That is not to say that that is all there will be; there are other levers we need to look at to attract those large-scale office tenants. Certainly, our hope is that we will see that, but we have been wanting to see that since 1995. The ACT government put its money where its mouth is, so to speak, and built an office in Gungahlin town centre. There is only so much of that that the ACT government can do. It is consolidating its offices in Dickson and the city also, with a hub in Gungahlin.

We need to do other work to attract the other tenants, but the important thing is having the land set aside at 65,000 square metres. A target of 100,000 square metres does not mean that that is all there will be. We are saying that that is what we are setting aside.

Mr Braddock, you mentioned that the Suburban Land Agency was undertaking consultation on DV364. That puzzles me a little bit because—

**MR BRADDOCK:** It was feedback received from your directorate, from the Suburban Land Agency, as part of the process. I am happy to forward that to you.

**Mr Ponton:** I thought you had said that they had undertaken engagement, which was puzzling to me. The reality is that we have had since 1995 that 200,000-square-metre aim that has not been realised. So, as Mr Gianakis said, we are looking at what other opportunities are there to get people into the town centre that might actually make it more attractive for office accommodation. It is not a case of just setting aside 200,000 square metres—set and forget. In fact, Mr Parton, the last time we were in this room together I talked about the fact that in planning we do not just put policies in place and set and forget; we look at what else we can do to attract that investment. What we are looking at achieving through DV364 is what other uses we can get to make the town centre more attractive for that other investment.

**MS ORR:** In the draft Territory Plan variation we are seeing a reduction in the land reserved for office space?

**Mr Ponton:** For office space.

**MS ORR:** So we are seeing it go from 200,000 to 100,000 as a target. What you are saying, if I have understood correctly, is that while that is the reserve specifically for office use, there are other commercial opportunities, particularly within mixed-use zoning?

**Mr Ponton:** Correct.

**MS ORR:** So for, say, retail and non-office use.

**Mr Ponton:** Correct. And once you start getting those uses, it might make it more attractive for others to come into the town centre.

**MS ORR:** Help me to understand: the target of 200,000 square metres was for office use or was that for commercial, which would more broadly take in retail and office and a whole range of uses?

**Mr Gianakis:** I think it was in terms of commercial office use.

**MS ORR:** Have we seen the non-commercial opportunities go up in the changes that have been made?

**Mr Gianakis:** In terms of retail? In terms of services?

**MS ORR:** Yes.

**Mr Gianakis:** They are already permitted by a number of the zones, in terms of the commercial zone 1, the mixed services zone and, to a limited degree, in commercial zone 5, which is around the periphery of the town centre. So those opportunities are still there. We see that those sorts of uses—whether it is a little coffee shop or a real estate agent—will continue to grow and evolve. And they will change; tenancies will change over time. There is nothing we have done that has precluded the evolution of retail and services.

What we have done in some locations is strengthen, tighten, and relax the need for active frontages—shopfront windows and the like. In some locations there is also the opportunity on the ground floor—not in the main pedestrian thoroughfares—to have some residential on the but, again, in very selected locations.

**MS ORR:** There has been quite a bit of discussion about how the 200,000 to 100,000 as a target has been arrived at and how the studies back in the 90s would have seen opportunity for so many things. In making those decisions, what role has the changing workforce and the changing retail environment—essentially the economic geography and how that plays out spatially—played in informing your decisions?

In the 90s we had big retailers and very office-based work. It was a different proposition. How have you assessed that changing proposition in the opportunities for the future and how are we taking the new opportunities that present themselves due to the shift within COVID times to more work from home and more flexible work arrangements? So,

although some of those opportunities might have disappeared, we are now finding new opportunities.

**Dr Brady:** I acknowledge the statement. One of the things we have noticed that generally has occurred across all cities with COVID is that mixed use has come to the fore as providing flexibility in many respects. We are quite conscious of the importance of mixed use in new developments and in certain parts of centres to provide a level of activity and a level of flexibility. We have probably also noticed a change in smaller office spaces that have survived a bit more than some of the bigger office spaces. Again, for us that is a consideration around flexibility, built form and the types of floor space we are providing for.

They are some of the things we have been monitoring as to what we need to track in terms of the best flexibility we can provide for future uses. It is always difficult for us to forecast what future changes will be and how we can provide appropriate flexibility in both our zoning and our broad space allocations that we are providing. As Mr Ponton said, one of the things we are looking at is how in some of the future releases we can try to provide a bit more certainty to people of what might end up on some of those blocks in Gungahlin but also the flexibility to not just pin it down to a particular use that might mean we do not get the other activity and general benefits that we want out of the work we are doing.

**MS ORR:** What are you looking at to get that improved certainty?

**Dr Brady:** As Mr Ponton said, we are working with the Suburban Land Agency on the best way that we can release those properties, perhaps through the tender processes, to give a bit more certainty around what the allocations might be on some of those blocks. Perhaps it would be being a bit more specific around what we are looking for on blocks—for example, a mix of residential, mixed use and commercial. Perhaps there needs to be a bit more clarity around what the split of that is and what the expectation is, and probably giving a bit more on our side in terms of clarity, rather than leaving it completely to market position, which is similar to doing a community needs assessment and those sorts of things. That could provide a bit more clarity around what we think are the needs of not just the current community but future communities, which will tend to be different to the people there now.

**MS ORR:** Has there been a piece of work done to actually consider that, so that there are opportunities that are emerging, taking stock of what might be becoming less and less of an opportunity as the world changes, what the future community might need, and the outcomes and the vision that you are trying to achieve? Has there been something that has been done that says that these are the opportunities and this is how we can go forward with them? Would that be something you do or is that actually a piece of work for someone else?

**Mr Ponton:** There is work that is currently underway as part of the planning system review and reform projects. They used a sub-project looking at mixed use specifically, and it is looking at all these related issues. That work is underway.

**MS ORR:** Is that the district planning—

**Mr Ponton:** No.

**MS ORR:** Is this the one that came out of the Assembly resolution?

**Mr Ponton:** There was a reference in the Assembly resolution. That work was already programmed and is now underway. It will help us to respond to the resolution, but it is a sub-project of the planning system for the uniform project, whereas the district planning exercise is related but it is separate. Those first conversations were with community and other key stakeholders about what they value in their district, but this is a very specific piece of work on mixed use.

**THE CHAIR:** We have heard a lot of frustration that, because Gungahlin was the first town centre planned independently of the ACT government, there are a lot of complicated tools in the indicative land release program that is operated by one part of government and we have got Territory Plan variations operated by another part of government.

**Mr Ponton:** Can I just clarify?

**THE CHAIR:** Yes.

**Mr Ponton:** The indicative land release program and planning is all within my portfolio of responsibilities and Mr Gentleman's portfolio of responsibilities.

**THE CHAIR:** We also have the commercial factors of who wants to lease what we are offering and we have a residential market force—who wants to live here?—and then we have a whole lot of other stuff that needs to go into a vibrant town centre: green spaces; community facilities; good active and public transport connections, which light rail has certainly assisted with. There is a lot going on. How is government making sure that all that is coordinated to give us a really good, vibrant Gungahlin town centre in the way that Canberra expects and in the way that we have seen in some other places in Canberra?

**Mr Gentleman:** I think if you have a look at the decision-making across government and if you look at LRP, for example—and these are cabinet decisions—all the work that is done on those decisions is generally done by EPSDD and me. The SLA and groups feed up information to cabinet for that decision. We look at demographic changes across the city and what is perceived, while we have evidence in growth as well, to make those decisions. Then there is the work that EPSDD do on the ground, consulting with the Canberra community on what they would like to see for the future as well.

It is a broader application of community consultation, if you like, based on the evidence that we see in ABS statistics for Gungahlin. If we look at the growth in Gungahlin, from 2006 to 2016 we saw the number for town centre accommodation grow from 2,870 people to 6,330 but we saw commercial or employment in the town centre grow from 2,450 to 4,001 employees. That growth spurt showed that there were more people interested in actually living in the town centre than there were working in the town centre. We have to take that into account as we go forward with these decisions as well. I understand the evidence but also the want of the current community.

**THE CHAIR:** It might be evidence that more people want to live there than work there or it might be evidence that people can only live there and not work there. That is a difficult—

**Mr Gentleman:** No. This is before this draft variation. The commercial space to work there was quite well endowed. I think the incentive for people to come and work there was a little different because we did not have that major employment group that we see now in the town centre.

**Mr Ponton:** And if I could add, the indicative land release program is a tool that helps deliver on other government policies such as the ACT Planning Strategy 2018. It talks about how we will accommodate growth in the next 20 or so years, and then an indicative land release program is the tool to help us deliver on that.

**MS ORR:** Does it take into account specific characteristics of blocks, for instance, or is it broader in range?

**Mr Ponton:** The LRP is a tool to deliver on that broader policy. I make reference now to the planning system review and reform project and where we are. I will not talk about this for too long because you have all heard me talk about what we are trying to achieve out of that project. But that is one of the aspects of the district planning exercise that we are currently going through.

There is a lot more work to be done in that space, and that will then lead through into a revised Territory Plan. That is starting to pick up how we start to integrate all these various needs and wants. It is important to understand that it is both needs and wants, as there are some things that we may want but in fact we actually need something else in terms of the work that we are doing. There is a lot of work that just happened to bring all of that together.

I just note that the government structure, in terms of what EPSDD is responsible for, has brought together a lot of those things that you were talking about to make sure that there is that coordination.

**Mr Braddock:** Just going back to that question in terms of it not taking into account the individual characteristics of the blocks, I appreciate the good work that has been done in planning reform, but in the meantime there is the indicative land release program, and the land sales program is going to be continuing. I will only use one block as an example, block 4 section 230, which, under the LRP, is scheduled for sale in this financial year and which is going to have 218 residential apartments, potentially, on it. Has analysis been conducted in terms of the ability to influence what is permissible on that particular block and hence whether that residential may actually be crowding out the commercial opportunities for that space?

**Mr Ponton:** Remind me when that is listed for, in the program.

**Mr Braddock:** 2021-22.

**Mr Ponton:** As part of the work we do at the Suburban Land Agency, if we are

developing the LRP there is a high level of work that is done in looking at what we can accommodate in mixed use, and that is refined as we get to the point of then drafting the lease. I come back to that early comment that I made that we are doing more work with our colleagues in the Suburban Land Agency, hearing some of the conversation over the last six or so months around Gungahlin and other parts of Canberra. As we get land ready for release we will look at how we actually craft those Crown leases, including for certain sites. You will start to see a reference to a requirement to go through the Design Review Panel and have certain outcomes that we have been wanting to achieve through the Crown leases. A lot of work is happening in that space, yes.

**MR PARTON:** Mr Elford, in his written submission, suggested—and I will quote him directly:

Much is made of the value of “mixed-use” but that term is very poorly defined and applied.

Interestingly, along those lines, we heard some fascinating points from Mr Katheklakis earlier, which I am sure you were listening to in great detail, Mr Ponton, where Mr Katheklakis suggested that he believed that perhaps there should be more focus on mixed-use precincts rather than this extremely prescriptive definition which was being applied to individual blocks, individual buildings. I just wonder if I could get a reflection from either the minister or the Chief Planner on that.

**Mr Ponton:** Are you happy for me to go, Minister?

**Mr Gentleman:** Yes.

**Mr Ponton:** I think that Mr Katheklakis and I are in agreement. I do not want to dwell on this because I have talked before on it and I am sure you have all read the directions papers for the planning system in regard to the reform project. One of the key things that I have recommended to the government and the minister is that we need to address, in terms of reforming the current planning system, the fact that we have a Territory Plan that is about block controls and then we have the ACT Planning Strategy. We actually need something that is filling the gap in between in terms of that more district level, or precinct level, strategic planning work. That is why we are doing the work around district planning also, because there is that gap and it is quite well explained in the directions paper; so I will not dwell on it. I just invite you to have another look at those. At the moment it is all about block controls, high-level strategy. We have got to do some work to fill that gap.

**MS ORR:** While we have the gap, how do we get a good outcome for Gungahlin?

**Mr Ponton:** This is why we are keen to get the work on the planning system review in a form project. The minister has certainly given me his expectations in terms of how quickly we can get that work done. But like all planning systems all over the world, when we are undertaking our comprehensive review there will always be that period when we are doing this work and we have got the current system and there is going to be a transition period. For the time being, all that we can do and what we are doing is, as I said, working with our colleagues in the Suburban Land Agency, thinking about other tools available to us, looking at the lease, what we can do in terms of the lease,

specifying outcomes in the Crown lease, referring to design review panels. There are things that we can do with other tools, but we do need to get over that gap in terms of the mid-level strategy. We need to get something underway.

**MR PARTON:** Ms Orr, in that conversation with Mr Katheklakis earlier, did bring up some really good points in regard to that broader application of mixed-use precinct rather than the individual blocks. If all the proponents chose to go with the biggest return land use—and this is probably covered in the directions paper to some extent—surely that would be a problem?

**Mr Ponton:** At the moment we have zoning, one tool, and block controls, and it tends, in a zone, to be that the rules and criteria apply to other blocks in that particular location. But, as I said, we have got the high-level policy. Doing this extra work on the planning system review in the form project will help us actually start to understand what we need at that district scale, and then we can start to translate that into more specific controls so that we can actually understand how a district works with an ecosystem. That will start to address some of that concern. I am looking to Dr Brady to see if there is anything else that she wants to add on that.

**Dr Brady:** We will be able to be a bit clearer in certain centres and areas where it is important to activate and where public realm changes might be important. That is the sort of level of detail that we want to be able to make clear. It might not just be open slather. We have actually given an indication along these particular frontages that that is where we want the focus of mixed use or commercial or activation because we want it for surveillance or activation purposes. It is giving a bit more clarity, whereas at the moment the decision is not as much with us as we would like it to be. That is why Mr Ponton referred to our needing to be clearer on the outcomes, which is what we want to head toward. That may produce better outcomes.

**MR PARTON:** But none of that really helps us in the consideration of this particular draft variation, does it?

**Mr Ponton:** Again, it is a challenge that we have got this draft variation that has been going through the system for years now. We are starting to do some work in terms of how we can start to draft it. Again, we cannot just say, “From today there are no more variations until we get the new planning system, although we have a reformed planning system in place.” We are now starting to turn our minds to our having done work, and we are in the process of briefing the minister as to what we think the new Territory Plan might look like and how it might be structured. We are doing that thinking as part of the proposed new planning act work. Then we will be looking at how we might be able to start to frame variations in the interim that can then just fold into the new Territory Plan next year.

Yes, it is complicated; it is complex. We understand that there is a strong desire to achieve certain outcomes now. I have spoken to Peter Elford from the Gungahlin Community Council about this also, in terms of there being a real challenge. We all know the end game, where we want to be with the reformed planning system, but we have got the planning system that we have got now. And we all know what work needs to be done, but we have just got to manage this time in between, and we are doing that as best we can.

**MS ORR:** The interim effect was brought up by a number of people this morning. I think Mr Gentleman also noted in his opening statement that the interim effect only applies to one section, not—

**Mr Gentleman:** Yes, only the north-western component.

**MS ORR:** This is a bit of a hypothetical, but is there a scenario where the draft Territory Plan variation does not go ahead and the interim effect falls off? What happens in that circumstance?

**Mr Ponton:** I might get Ms Kaucz to come in, in case I get this wrong—hopefully I do not—but in terms of that north-western corner, the main reason that we applied interim effect to the north-western corner is that it sets height limits. At the time, there was a DA reconsideration that was looking at an amendment and reconsideration that was actually from the increased height. There is also a vacant block that is still there that otherwise could go higher. We recommended to the minister that we apply interim effect for that corner to deal with those height issues. This all fell over. There is a possibility that certainly that one vacant parcel of land could go higher than what is proposed in the variation. Is there anything, Ms Kaucz, that you want to add to that?

**MS ORR:** The planning settings that would be in place would be the current planning settings?

**Mr Ponton:** The current planning settings, yes.

**MS ORR:** None of the changes in the variation?

**Mr Gentleman:** Correct.

**Mr Ponton:** Correct.

**Ms Kaucz:** The uses in that area are the same but, as Mr Ponton mentioned, it is the heights. But if a decision is made now, with the interim effect, that will stand. Obviously, if the variation did continue, it would revert to the current provisions. The main difference there is that the variation is proposing height limits, whereas they do not have those limits now.

**MS ORR:** And that is height limits in that northern section. The eastern section, as well, would have height limits under the variation, which it does not currently. Is that correct?

**Ms Kaucz:** Yes, but that does not have the interim effect now.

**THE CHAIR:** Thank you very much for your time this morning. That brings us to the end of this hearing. Thank you for your contributions.

**Mr Gentleman:** Thank you, Chair, members and directorate officials.

**THE CHAIR:** We look forward to the question on notice information.

**The committee adjourned at 12.19 pm.**