CANBERRA TOWN PLANNING

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2 March 2023

The Officer Tasked
ACT Planning System Review and Reform Project
Environment, Planning and Sustainable Development Directorate
Dame Pattie Menzies Building
DICKSON ACT 2602
Via online lodgement portal

Dear Officer,

RE: Response to submission of representation and feedback on the draft new Territory Plan and draft district strategies: ACT Planning System Review and Reform Project: Various land parcels, Konstantinou Group

We are writing on behalf of the Konstantinou Group lessees of many land holdings in the ACT in response to the ACT Planning System Review and Reform Project and specifically your request for feedback on the Draft new Territory Plan and draft District Strategies. For this submission we are specifically considering the subject sites and surrounds of the Gold Creek Golf Course (and specifically Block 14 Section 84 Nicholls), Block 11 Section 18 Mitchell and Block 7 Section 3 Bruce. All of these sites are currently leased by the proponent and are under investigation for development and further development.

The Lessee

The Konstantinou Group (KGROUP) is a diverse, dynamic and premium real-estate owner and Developer that specialises in the construction and management of Industrial and Commercial Properties primarily but also owns recreational assets such as the CISAC sporting complex and the Gold Creek Golf Course.

The Group is based in Canberra and operates and engages on projects solely in the ACT.

The Group is the progression of a series companies in various sectors that have evolved since the 1960's. The Group held interests in retail, manufacturing, importing and exporting as well as property and real-estate assets and operations. Its main focus however remains on its Property and Information Technology interests.

With a long-standing history in the Canberra Region their involvement in the building industry in Canberra stretches over 25 years. The Group enjoys a reputation of building quality to properties of all sizes (largest property constructed is over 16,000 square metres), and for all industries (including diverse assets such as Sporting Centres). KGroup has built over 10% of all buildings in the Mitchell industrial area and continue their contributions to the development of Canberra and the region.

The subject Sites:

Gold Creek Country Club with specific reference to Block 14 Section 84 Nicholls

The Gold Creek Country Club is owned by KGROUP and includes an 18 hole golf course, 3 sizeable practice holes, clubhouse, pro-shop, maintenance facilities and driving range and coaching facilities.

Gold Creek Country Club and the Golf Club strives to be the leading public access golf course in the Canberra region. A true 18-hole championship layout with a par-72 rating, the course was designed by well-known and internationally acclaimed Australian golfer and course architect, Bruce Devlin and celebrated its official opening in 1996 with the hosting of the Australian Seniors PGA Championship.

As a course laid out in a "links" design configuration sees it situated primarily adjacent to the Gold Creek Village commercial precinct (back nine holes, driving range and practice facilities) while the rest of the course (front nine holes) are situated in a dispersed manner integrated with the residential division of Nicholls.

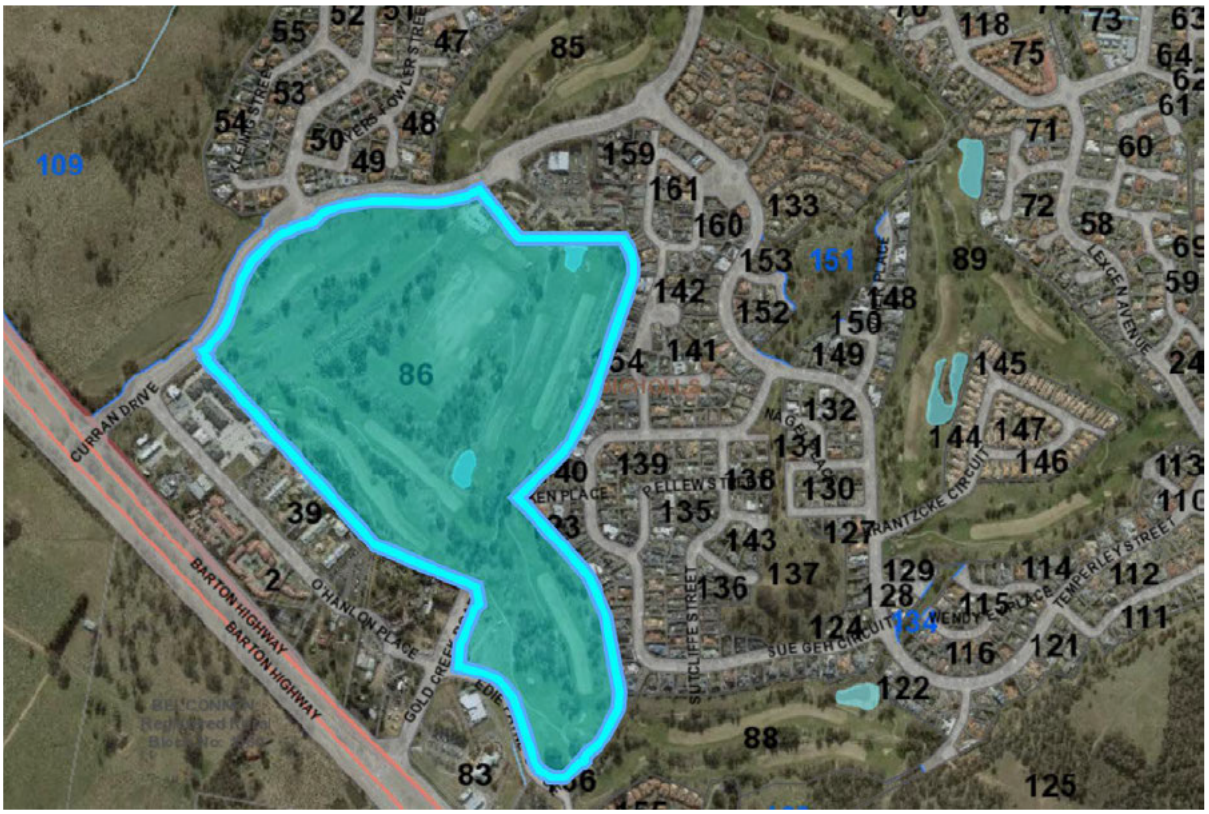


Figure 1 – Aerial map of Block14 Section 84 Nicholls and other related Golf Course Blocks *(Source ACTMAPi, February 2023)*

The Group purchased the course from the ACT Government that owned and operated the facility at significant loss. Part of the financial issue related to the originally intentioned Master Plan and feasibility assessment that included a range of integrated uses with the development including hotel/motel, shops and a sporting precinct including activities such as tennis, bowling, /squash courts.

For example, the originally planned 250 bed hotel with squash courts were never build. Notwithstanding, the Crown Lease still include the fingerprints of the original intent in the uses included and the land available around the course.

Current statutory and strategic planning context

The part of the Golf Course that is of interest to this submission is specifically Block 14 Section 84 Nicholls. The site is zoned PRZ2 – Restricted Access recreation under the current Territory Plan and permits (among other uses) Outdoor Recreation (an 18-hole Golf Course), Club and childcare use, practice facilities, indoor recreation facilities and Commercial Accommodation use. The PRZ2 zoning also provide for a broad range of other commercial and recreational uses that is of interest to the proponent in their vision of the site's future use and development.

The zone objectives call for development to:

- Accommodate facilities that will meet the recreational needs and demands of the community and are appropriately located for the potential users of the facility
- Make provision for a range of sport and recreation facilities and users, whether in public or private ownership that may be commercial in nature
- Ensure the amenity of adjoining development is not unacceptably affected by the operation of sport and recreation facilities, particularly in terms of noise, traffic, parking, privacy and outside lighting at night
- Design and landscaping of development is to be compatible with the surrounding landscape, and
- Provide safe pedestrian and cycling access to recreation facilities to promote active living.

Considering the Crown Lease provisions (including very modest Gross Floor Area provisions) in the context of the leased area it is clear that there are substantial tracts of land that are underutilised and underdeveloped. With the changing climate, water shortages and cost for potable and non-potable water, Heat Island effects in the city, growing population needs and pressures and the like it is prudent to ensure that the recreation values of the site be protected, but also that the land deliver the full development and amenity/services potential to the population of Canberra and region. Given the diminishing number of persons that play golf at the facility (generally) and the land-take associated with its operation it is imperative to strike the correct balance between retention of recreational use and amenity while rationalising underutilised land that represents a cost to the lessee in the operation of the lease and the Community's loss in the provision of services and amenities for which surplus land can be utilised to foster additional community and recreational uses; outcomes complimentary to activities and indoor uses.

It is imperative that the development opportunity afforded by the current planning provisions and statute be both retained and appropriately enhanced to allow further and broader use, development and innovation on this key land asset. Being co-located with Gold Creek Village we perceive a unique opportunity to build on the commercial and recreation activities already established in this part of Canberra and continue the growth and use/services offering in this part of Gungahlin.

The lessee has been actively maintaining and improving the mandated lease facilities over the years but are continuing to explore opportunities to further the use of the land, make the operation and offerings more diverse and sustainable, especially during increased wet season and bring new and different services and offerings to the community.

The Draft ACT Planning Reform project Draft Territory Plan and Draft Gungahlin District Strategy.
Canberra Town Planning have been assisting the lessee since 2016 with understanding and exploring development opportunities both in the current Crown Lease provisions and the current Territory Plan policies and opportunities available.

Our involvement in part is driven by the increased challenges faced by the owners owning golfing facilities and other recreational assets used by the community. The constant rising costs associated with a golf course and swimming pools as well as how best we can integrate other, new and innovative land use and services opportunities to the site to create a truly multi-use recreational hub that will serve a broad range of community needs.

The release of the ACT Planning System Review and Reform Project documents in late 2022 brought a level of excitement to this approach, especially in trying to understand what the outcomes based planning system may bring to assisting and facilitating some of the development ideas being explored. There was also some trepidation in inspecting the documents to consider whether the changes proposed would both limit and/or prevent the visions for and potential of the land to be realised in full and to the maximum benefit for the lessee and the community.

With our assistance the Lessee reviewed the documents released in late 2022 with specific attention to those documents that relate to the subject site, including:

- Draft Territory Plan: Gungahlin District Policy,
- Draft Territory Plan: Parks and Recreation Zones Policy, and
- Draft Belconnen District Strategy.

We summarise some of our findings and observations below.

Draft New Territory Plan: District and Zone Policies

The subject site is, to the best of our understanding, shown in the draft documents to remain subject to the Parks and Recreation Zones Policy and specifically retain the PRZ2 – Restricted Access Recreation zoning. Key use provisions appears to remain consistent with the specific (and concerning) change that sees Childcare Centre use being removed from the list of permissible uses - this use is included in the current Crown Lease and is a use established in various locations of the ACT on PRZ lands to good effect and acceptance by the community. This should be re-instated.

The desired outcome objectives are largely similar to the current zone objectives. No Assessment Requirements are set for the Use Policy while the assessment outcomes sensibly refer to those matters that would be associated with good, innovative, sustainable, and practicable good design outcomes in the zone.

The Gungahlin District policy does not provide any further use provisions for the site (neither additional accessible or prohibited development uses). Key Policy outcomes stated for the Gungahlin District that is of particular interest to the site include appears to be limited to, in part, *...provide future economic opportunities by ensuring capacity for employment floorspace ...*

There are no site-specific assessment requirements stated for the subject lease and again, the general assessment outcomes sighted for the District are of the type and subject that would be expected for consideration of an outcomes based development proposal including performance against applicable design guides, furthering the functionality and usability of the development for its intended purpose/use and

delivery of the development against the stated policy outcomes. There are no site-specific assessment outcomes set in the District Policy for the lease.

It appears safe to say that the new territory plan is not placing many restrictions on the future development of the land; this is a good philosophy in that it will facilitate innovation, exploration of sustainable and strong integrated development proposals and the furthering of use offerings in a manner that harmoniously integrate with the surrounding residential context. Broadening the use profile provide maximum opportunity to build exciting, innovative and sustainable precinct around uses such as this and activity hubs that interest and attract community. The general uses profile available should represent the broadest range possible.

We note that draft changes in use definitions will have an impact on the development offering able to be delivered at this site. The removal of Serviced Apartment as a Commercial Accommodation unit and the newly defined Build-to-Rent as a residential use are problematic. The former not per-se in all instances for short term occupation and the latter being residential in nature will not be permitted at the site.

Commercial accommodation in apartment/dwelling form is a development type that is often associated with recreational and services hubs that cater for a range of user groups, as are uses like Café (a new use), eco - tourism which are often associated with uses such those envisioned at the site.

The Gungahlin District Strategy

The draft Gungahlin District Strategy are telling a story of a part of Canberra that is set for a substantial and continued growth phase in both population and employment over the period forecasted. With this there is a call for a number of strategies that relate to sustainability (social and environmental), connectivity, housing choice and service provision that are key to supporting this growing community.

The Strategy's demographic and needs consideration indicate that:

- Gungahlin is the 3rd largest community in Canberra by population with a circa of ~89,000 people (p28 and p29),
- The majority of the population is between 20 and 55 years of age,
- Housing choices in Gungahlin is still dominated by separate (Stand-alone) houses being 66% of the housing stock and semi-detached and apartment living are only 35% of the housing stock available. Only 31% of households are renting their place of residence (p29).
- The Strategy as presented suggests that the ACT population is set to increase by over 135,000 people by 2046, need around 58,000 new dwellings and this trend to an aging population with continue.
- Gungahlin will need an increase in housing stock by 2046 of 5,900 dwellings by 2046 and a further circa 9,800 by 2063. Recent reports suggest that the population forecast numbers are under review and reported at a lower rate as when compared to actual trends. The 2046 population is expected to be larger than forecast, require more houses than predicted and have an increasing cohort of older members. (p32).
- The projected population forecasts a growth in aged population/retirees across the ACT is substantial (page 32).
- Employment opportunities in Gungahlin at present is a modest 14,000 jobs that is needing to rise by 5,000 and 7,500 jobs over the two respective periods.

The Strategy acknowledges that increased population and specifically a larger aging population will push the demand for services and housing opportunities in the District. This does not include consideration of the

CSIRO development precinct located to the south of the Barton Highway and west of Gundaroo Road that bring many thousands of residents to this part of Canberra. The resulting increase the population on the doorstep of Gold Creek will create an even higher need for these specific classes of assets and services to be delivered. The subject site will offer both employment opportunities and community uses, local employment and recreation to this community and realise in part the original vision for the site not yet completed and the emerging opportunity brought by the population growth nearby.

It is disappointing to see that the District Strategy seems to overlook the whole of the Gold Creek Village and adjoining Golf Course precinct in just about all of the maps and assessments presented. Being a destination precinct for Canberra and further afield this seems to be an oversight that should be corrected – in fact the economic activity on this precinct would rival and be more extensive than some local centres in Canberra. **In fact,** Gold Creek Village is the second largest centre outside of Gungahlin Town Centre. In conjunction with the adjoining Golf Course it should be provided with similar opportunities to other Group Centres and key employment and activity hubs noting however that the primary use would not need to change. The golf course lease comprises 86 Hectares and of this more than 10% of the land is under-utilised and available for further development (as intended in the original Master Plan without any need to impact on the primary and mandatory use in the Lease.

The precinct and subject site clearly have further intensification opportunity noting that there is still vacant land in the Gold Creek Village and areas of the Golf Course that are unused or underutilised, outside of its required 18 holes. Its locality and the proximity and integration with surrounding Divisions makes it a prime opportunity for further augmentation into a sustainable neighbourhood – this should be acknowledged.

The surplus land on the Block 14 lease (approaching ~11ha in area) provides a great opportunity to provide housing and accommodation choice and typology types and scale needed to support the growing need for affordable housing and accommodation including residential use, multi-unit housing, apartment living and built-to-rent offerings. We note that this has been implement at other golf course landholdings in Canberra with great success and to the benefit of the community in securing the sustainable reposition of the recreational offering in a changing use, interest, environment and cost climate. Yowani and West Belconnen Golf Courses are a prime example, and inclusion in the review.

The community feedback for the District reported highlights in part interest in the provision of diverse and affordable housing, more sport, recreation and services/commercial amenity offerings, outcomes addressing housing affordability and creation of local employment opportunities to reduce commuter impacts.

The subject site and adjoining Gold Creek Village precinct are prime localities with the opportunity and capacity to assist in realising these aspirations. The nearby village of Hall is a prime example of businesses thriving in a semi-regional area – outside the strictly administered ACT centres hierarchy but as a recognised commercial activity hub similar to Gold Creek Village.

Block 14 and the adjoining Gold Creek Village precinct are clearly key sites for economic and development intensification, housing, accommodation and recreation/service delivery and integration into the adjoining Divisions in a sustainable neighbourhood approach.

We request that EPSDD update the District Strategy to capture the current context and opportunity of the subject site and adjoining precincts and clearly identify these localities as change areas and urban intensification opportunities as outlined above. These sites must and will deliver their contributions to the District Strategy objectives and the outcomes needed and required in the community where such outcomes are facilitated and supported.

Michell Block 18 Section 11 (IZ2)

This site is leased by the KGroup for a substantial period of land and they have progressed proposals (with approval) to establish a childcare centre at the site. The concept of providing a supporting service to the industrial precinct and the workers there-in is a key consideration for developing socially sustainable places of employment.

Much has been said about the likely impact of a use such as this on the ability to deliver the broad objectives of the IZ2 land areas. There is strong evidence in Canberra and elsewhere in Australia that it is not only possible, but in fact desirable and needed to position uses such as this in a manner that is appropriately integrated into the urban fabric of this place.

It is quite disappointing to see that the updated Industrial zones policy removes early learning centre (the future childcare centre) from the permissible use list noting that a prior proposal to vary the Plan in recent times were abandoned in DV352, in the face of evidence that the use is both appropriate and able to be developed in an environment that supports the amenity and other needs of children and their parents. How is it acceptable for an office worker in the city to have their children in centres close to their place of work while workers in Mitchell are not afforded the same amenity and opportunity – this seems not equitable. that the Division Mitchell is clearly bounded by Franklin, Harrison and proposed Kenny residential suburbs with the new High School less than 1km away – this context is for light industry immediately surrounded by sensitive residential and related uses that will prevent any high impact industrial use from being located in this precinct. Mitchell in effect operates in a large manner as the services trades area of Gungahlin. The change also begs the question as to what happens with existing childcare facilities (in operation, being built, approved or included in Crown Leases where proponents paid in some instances substantial Lease Variation Charges for the rights to these uses) with this change.

We request that EPSDD include the use of Early Learning Centre as a use in the IZ2 permissible uses list as is currently the case.

Block 7 Section 3 Bruce.

As one of the largest multi-tenancy health and leisure facilities in Australia with three health clubs, aquatic facilities, hydrotherapy pool, medical services, two child care centres, discount health and fitness supplies, a hair salon, and café, the Canberra International Sports and Aquatic Centre (CISAC) is a key community service and recreational asset in Belconnen and Canberra. CISAC services in excess of one and a half million visits a year, supported by both local and interstate visitations.

With the Belconnen District Strategy echoing the demographic, employment and service, sports and recreational needs increases that will be needed by 2046 and indeed by 2063 this precinct will play an important role in providing these services and employment opportunities to the community.

Coupled with themes of sustainable neighbourhoods, connectivity, accessibility of services in close proximity of housing choices, economic access (employment), job density consideration, transportation opportunities, infill and activity intensification opportunity, inclusive communities it is apparent that the Town Centre will continue to be a strong hub to achieve these objectives. CISAC is uniquely placed to facilitate all of these

objectives. Indeed, it will continue to be a substantial change and intensification area as Canberra grows and moves towards 2063 and beyond.

In this context is appears strange that the subject site still includes substantial tracts of undeveloped land and its proximity to some of the highest population densities in Canberra (the Republic/Wayfarer/LYNK/Section 45 residential mixed use precinct) is not identified as a key sporting and services institution in Canberra and not marked as a change area that will see further development and diversification to meet the future needs of Belconnen and indeed Canberra as a whole. CISAC is needed to and will continue to grow to support and deliver services to this and the broader community.

We request that EPSDD acknowledge that the CISAC site will see changes and diversification over time to deliver the services and recreational demand of a growing Belconnen population, fulfil its role in employment creation and support the local Town Centre economy.

We believe that the current land use policies may well require augmentation over time as the actual demand and form of development needed to meet the demand becomes apparent and request that this is acknowledged in the District Strategy.

We are available at any time to meet with you or the authority to discuss any matter relating to this submission as may be required. Should you have any further queries, please do not hesitate to contact [redacted]

Kind Regards

[redacted]