

DRAFT VARIATION TO THE TERRITORY PLAN NO 344 WODEN
TOWN CENTRE: ZONE CHANGES AND AMENDMENTS TO THE
PHILLIP PRECINCT MAP AND CODE

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL

DECEMBER 2017

REPORT 3

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RESOLUTION OF APPOINTMENT

On 13 December 2016 the Legislative Assembly for the ACT when it created Standing Committees for the Ninth Assembly, resolved at Part 1(f) of the Resolution that there would be a:

Standing Committee on Planning and Urban Renewal to examine matters relating to planning, land management, the planning process, amendments to the Territory Plan, consultation requirements, design and sustainability outcomes including energy performance and policy matters to support a range of housing options.¹

On the same day, the Legislative Assembly also resolved at Part 3 of the Resolution that:

If the Assembly is not sitting when the Standing Committee on Planning and Urban Renewal has completed consideration of a report on draft plan variations referred pursuant to section 73 of the Planning and Development Act 2007 or draft plans of management referred pursuant to section 326 of the Planning and Development Act 2007 the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.²

TERMS OF REFERENCE

In relation to a draft plan variation to the Territory Plan, section 73 (2) of the Planning and Development Act 2007 states:

The Minister may, not later than 20 working days after the day the Minister receives the draft plan variation, refer the draft plan variation documents to an appropriate Committee of the Legislative Assembly together with a request that the Committee report on the draft plan variation to the Legislative Assembly.

The Minister for Planning, Mr Mick Gentleman MLA, referred Draft Variation to the Territory Plan 344 Woden Town Centre: Zone Changes and Amendments to the Phillip Precinct Map and Code to the Standing Committee on Planning and Urban Renewal on 27 July 2017.

¹ Legislative for the ACT, *Debates*, 13 December 2016, *Proof Transcript of Evidence*, 10 March 2017, p.40.

² Legislative for the ACT, *Debates*, 13 December 2016, *Proof Transcript of Evidence*, 10 March 2017, p.41.

ACRONYMS

ACT	Australian Capital Territory
AHD	Australian Height Datum
Cxx	Criteria
CFZ	Community Facilities Zone
CZ1	Commercial Zone -
CZ2	Commercial Zone - Business
CZ3	Commercial Zone - Services
DV	Draft Variation to the Territory Plan
EPSDD	Environment, Planning and Sustainable Development Directorate
PRZ1	Urban Open Space
Rxx	Rule
RL	Reduced Level
RZ2	Residential Zone – Suburban Core
RZ4	Residential Zone – Medium Density
RZ5	Residential Zone – High Density
WCCC	Weston Creek Community Council
WVCC	Woden Valley Community Council

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RECOMMENDATIONS

RECOMMENDATION 1

3.32 The Committee recommends that subject to the following recommendations Draft Variation 344 be approved.

RECOMMENDATION 2

3.33 The Committee recommends that where a draft variation to the Territory Plan proposes to amend a code, the existing sections of the code, the proposed code and an explanatory statement of the differences between the two should be provided to facilitate public understanding of the draft variation.

RECOMMENDATION 3

3.34 The Committee recommends that future draft variation documentation and the Territory Plan express minimum and maximum building heights in metres and that if surveyor measurements are to be used than an explanatory note or clear definition is provided as to what the surveyor measurement means.

RECOMMENDATION 4

3.35 The Committee recommends that the current draft variation be edited for errors, inconsistent terminology and outdated references to locations in the Woden Town Centre, particularly those identified by submissions to this Inquiry.

RECOMMENDATION 5

4.16 The Committee recommends that the ACT Government finalises the development of master plans in a more timely fashion.

RECOMMENDATION 6

4.17 The Committee recommends that the ACT Government develop a short, simple and clear outline of the intent and purpose of planning documents within the ACT, including master plans, draft variations and precinct codes and how these interact with the Territory Plan, and that this be provided to the public with all future consultation and draft variations.

RECOMMENDATION 7

5.41 The Committee recommends that the ACT Government amend the proposed C9 to only allow an additional four storeys where:

- the development demonstrates design excellence;
- the development provides demonstrated community benefits such as community housing or not-for-profit community facilities; and
- the additional height will not have a significant detrimental overshadowing impact on public spaces or residential buildings.

RECOMMENDATION 8

- 5.42 The Committee recommends that the ACT Government amend the proposed R16 and C16 to ensure they apply to all development in Woden, not just 'development adjoining the town square.'

RECOMMENDATION 9

- 5.43 The Committee recommends that the ACT Government amend proposed R16 to ensure sufficient solar access retention in the Woden Town Square so as to maintain amenity for people using Woden Town Square during winter solstice.

RECOMMENDATION 10

- 5.44 The Committee recommends that the ACT Government amend the draft variation to provide explicit overshadowing protection for dwellings in the area covered by the draft variation, to ensure they retain the minimum of three hours of solar access that they were required to have to be approved.

RECOMMENDATION 11

- 5.45 The Committee recommends that the ACT Government amend the draft variation to cap the scale and height of the marker building proposed for Section 3 to the scale and height of the previously-approved DA.

RECOMMENDATION 12

- 5.64 The Committee recommends that the ACT Government deliver a broad-based urban renewal process for Woden Town Centre that includes action on community facilities, recreation facilities, renewal of public areas and attraction of jobs to the Town Centre.

RECOMMENDATION 13

- 5.65 The Committee recommends that ACT Government amend the Territory Plan and/or lease conditions to provide a mechanism to require building owners to 'make safe' or, where appropriate, demolish, buildings that have become unsafe.

RECOMMENDATION 14

- 5.82 The Committee recommends that the ACT Government amend the draft variation to reduce the size of, or cancel, the proposed rezoning of land in Arabanoo Park

to Community Facilities Zone (CFZ), with planning protections put in place to ensure land is reserved on the Callam Offices site (Section 80) for an equivalent set of community facilities.

RECOMMENDATION 15

The Committee recommends that the ACT Government amend the draft variation so that if any land in Arabanoo Park is rezoned to Community Facilities Zone (CFZ) it is only used for the following uses as outlined in the Territory Plan and any other use listed under the CFZ zone is not deemed appropriate for this site.

- Child care centre;
- Community activity centre;
- Community theatre;
- Cultural facility;
- Indoor Recreation;
- Outdoor recreation; or
- Parkland.

RECOMMENDATION 16

5.83 The Committee recommends that the ACT Government amend the draft variation to rezone the existing pocket park on Furzer Street (section 181) to Urban Open Space (PRZ1) to ensure it is protected as open space for the long term.

RECOMMENDATION 17

5.84 The Committee recommends that the ACT Government amend the draft variation to rezone the 'Landscape Area' along Matilda Street (Section 7), as shown in Figure 3 of the draft variation, to Urban Open Space (PRZ1) to ensure it is protected as open space for the long term.

RECOMMENDATION 18

5.90 The Committee recommends that the ACT Government improves pedestrian connections and wayfinding between the town centre and Eddison Park.

RECOMMENDATION 19

5.113 The Committee recommends that the ACT Government create greater capacity for social, educational, recreational and cultural facilities in Woden, in order to prevent it from becoming a dormitory suburb.

RECOMMENDATION 20

5.114 The Committee recommends that the ACT Government develop and fund a long-term plan for community and recreation facilities in Woden Town Centre, incorporating a Community Hub.

RECOMMENDATION 2 1

5.115 The Committee recommends that the ACT Government amend the draft variation to reserve a large, flexible site in Woden suitable for future community, tertiary education or recreation uses such as an indoor sports hall or CIT facility.

RECOMMENDATION 2 2

5.116 The Committee recommends that the ACT Government, as part of the long-term plan for community and recreation facilities referred to in Recommendation 20, consider the AMC Architecture report into community facilities for the Woden Town Centre.

RECOMMENDATION 2 3

5.117 The Committee recommends that the ACT Government amend the draft variation to identify one or more entertainment precincts in Woden Town Centre, suitable for night-time use, that are protected from noise-sensitive land uses.

RECOMMENDATION 2 4

5.125 The Committee recommends that ACT Government ensures that the lessees of the Phillip Pool are kept updated on the ACT Government's work towards a new ice rink facility for the ACT.

RECOMMENDATION 2 5

5.126 The Committee recommends that the ACT Government works with the lessees of Phillip Pool on alternative wording for proposed R8 that achieves the same or better facilities but provides greater development flexibility, for example allowing the lessees to provide the facilities on other sites within the Woden Town Centre.

RECOMMENDATION 2 6

5.135 The Committee recommends that the ACT Government works with Hindmarsh Development and Scentre Group on alternative wording for proposed R3 to allow a supermarket on Block 13, Section 18 with a floor plate size that is commercially viable and adequately services the residents of the area.

RECOMMENDATION 2 7

5.139 The Committee recommends that the ACT Government amend the draft variation to add 'produce market' as an allowable land use for Woden Town Square; the

‘Pedestrian Spine’, as indicated in Figure 3 of the draft variation; the east-west pedestrian link, as indicated in the Woden Town Centre Master Plan 2004; and adjacent blocks.

RECOMMENDATION 28

5.149 The Committee recommends that if the ACT Government chooses to pursue the proposal put forward by Junstamp Pty Ltd, they do so through a separate variation process, following completion of broader planning for a Woden Community Hub.

RECOMMENDATION 29

5.166 The Committee recommends that the ACT Government amend the draft variation as soon as practicable to recognise the light rail route and possible stops and to protect bus, cycle, walking and Park and Ride connections to light rail; and update these elements through a project specific draft variation as Light Rail Stage 2 proceeds.

RECOMMENDATION 30

5.175 The Committee recommends that the ACT Government include the proposed trunk walking and cycling network in the draft variation and associated precinct code.

RECOMMENDATION 31

5.176 The Committee recommends that the ACT Government amend the draft variation to include the missing walking and cycling connections across Melrose Drive, between Athllon Drive and Hindmarsh Drive.

1 INTRODUCTION

CONDUCT OF THE INQUIRY

- 1.1 On 27 July 2017 pursuant to section 73 of the Planning and Development Act 2007 (the Act), the Minister for Planning and Land Management, Mr Mick Gentleman MLA, referred Draft Variation to the Territory Plan 344 Woden Town Centre: Zone Changes and Amendments to the Phillip Precinct Map and Code to the Standing Committee on Planning and Urban Renewal (the Committee) for consideration and report to the Legislative Assembly (the Assembly).
- 1.2 The Committee released a media release announcing the inquiry on 7 August 2017 as well as directly emailing those who had provided submissions to the public consultation process and others who may be affected by the draft variation. The Committee received 18 submissions and a list of these is provided at Appendix A.
- 1.3 The Committee held two public hearings and heard from 19 witnesses. A list of witnesses who appeared before the Committee is provided at Appendix B. The transcripts of proceedings are accessible at: <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-planning-and-urban-renewal>
- 1.4 There were five questions taken on notice at the public hearing and these are listed in Appendix C. Answers to these questions are available on the inquiry webpage: <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-planning-and-urban-renewal/draft-variation-to-the-territory-plan-no-344-woden-town-centre-zone-changes-and-amendments-to-the-phillip-precinct-map-and-code>
- 1.5 Ms Le Couteur informed committee members and any interested members of the public that she lived in Phillip about 100m away from an area that would be rezoned from RZ2 to RZ5 under the draft territory plan recommendations.

ACKNOWLEDGEMENTS

- 1.6 The Committee would like to thank the Minister for Planning and Land Management and officials from the Environment, Planning and Sustainable Development Directorate (the Directorate) for their time appearing before the Committee and responding to its questions.
- 1.7 The Committee would like to extend its thanks to those who took the time to make written submissions, and witnesses who appeared before the Committee.

2 PLANNING IN THE AUSTRALIAN CAPITAL TERRITORY

INTRODUCTION

- 2.1 This chapter outlines the planning framework in the Australian Capital Territory (ACT) and briefly outlines the evolution of the Territory Plan from its inception, through a series of reviews and restructures.
- 2.2 *The Australian Capital Territory (Planning and Land Management) Act 1988* (Cth) sets out the overarching legal framework for the planning of, and management of the land in, the Australian Capital Territory.³ It establishes the National Capital Authority, one of the functions of which is to prepare and administer a National Capital Plan.⁴ The objective of the National Capital Plan is to ensure that Canberra and the Territory are planned and developed in accordance with their national significance⁵.
- 2.3 *The Australian Capital Territory (Planning and Land Management) Act 1988* also provided for the ACT Legislative Assembly to make laws to establish a Territory planning authority, and to confer on that authority the function of preparing and administering a Territory Plan.⁶ These requirements were incorporated into the *Interim Planning Act 1990* (ACT)⁷ and subsequently, with expanded environmental assessment and heritage provisions, into the *Land (Planning and Environment) Act 1991* (ACT).⁸
- 2.4 In 2008, as part of the reform of the ACT planning system, the *Land (Planning and Environment) Act 1991* was replaced by the *Planning and Development Act 2007* (the Act)⁹, which includes the provision for the Planning and Land Authority,¹⁰ and the Territory Plan¹¹.
- 2.5 The Territory Plan commenced operation on 31 March 2008 and provides the policy framework for the administration of planning in the ACT:

³ Accessible at <https://www.legislation.gov.au/Details/C2016C00482>

⁴ *Australian Capital Territory (Planning and Land Management) Act 1988*, sections 5 and 6.

⁵ *Australian Capital Territory (Planning and Land Management) Act 1988*, section 9.

⁶ *Australian Capital Territory (Planning and Land Management) Act 1988*, section 25.

⁷ Accessible at <http://www.legislation.act.gov.au/a/1990-59/default.asp>.

⁸ Accessible at <http://www.legislation.act.gov.au/a/1991-100/default.asp>.

⁹ Accessible at <http://www.legislation.act.gov.au/a/2007-24/current/pdf/2007-24.pdf>.

¹⁰ *Planning and Development Act 2007*, section 10.

¹¹ *Planning and Development Act 2007*, section 46.

The object of the territory plan is to ensure, in a manner not inconsistent with the national capital plan, the planning and development of the ACT provide the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation.¹²

2.6 Under section 50 of the Act, the:

Territory, the Executive, a Minister or a territory authority must not do any act, or approve the doing of an act, that is inconsistent with the territory plan.¹³

2.7 The Act requires the Territory Plan to set out the planning principles and policies for effecting its objective in a way that gives effect to sustainability principles, including policies that contribute to achieving a healthy environment in the ACT.¹⁴

2.8 The Territory Plan includes:

- a statement of strategic directions;
- a map;
- objectives and development tables applying to each zone;
- a series of general, development and precinct codes; and
- structure plans and concept plans for the development of future urban areas.

2.9 The Territory Plan graphically represents the applicable land use zones under the following categories:

- Residential;
- Commercial;
- Industrial;
- Community Facility;
- Parks and Recreation;
- Transport and Services; and
- Non-Urban.¹⁵

2.10 Recognising that land use policies may change over time, the Act provides for variations to the Territory Plan, which are prepared by the Planning and Land Authority, currently under the auspices of the Directorate, for stakeholder consultation and comment.¹⁶

¹² *Planning and Development Act 2007*, section 48.

¹³ *Planning and Development Act 2007*, section 50.

¹⁴ *Planning and Development Act 2007*, section 49.

¹⁵ See NI2008-27, accessible at <http://www.legislation.act.gov.au/ni/2008-27/current/default.asp>

¹⁶ *Planning and Development Act 2007*, Part 5.3.

- 2.11 Under the Act the Minister must refer a draft plan variation documents, within 5 working days of the notification of the public availability notice,¹⁷ to an appropriate committee of the ACT Legislative Assembly (the Assembly) for consideration and reporting.¹⁸
- 2.12 The Minister must not take action in relation to the draft plan variation until the committee of the Assembly has reported on it;¹⁹ has decided not to report²⁰ or If it has not reported on the draft plan variation by the end of the period of six months starting the day after the day on which it was referred.²¹
- 2.13 The Minister must take any recommendation of the committee into account before making his decision in relation to the draft plan variation.²² If the Minister approves it, the proposed plan variation and associated documents will be presented to the Assembly.²³ Unless wholly or partially rejected by the Assembly, on a motion for which notice has been given within five sitting days of the plan variation being presented to the Assembly, the plan variation will commence on the date nominated by the Minister.²⁴

¹⁷ Under section 70 of the *Planning and Development Act 2007*, the planning and land authority must prepare a public availability notice advising that draft variation documents, which have been provided to the minister, are available for public inspection. This notice, which is a notifiable instrument, may be accessed via the ACT Legislation Register website at <http://www.legislation.act.gov.au/>.

¹⁸ *Planning and Development Act 2007*, section 73; The Standing Committee on Planning and Urban Renewal is currently the appropriate committee.

¹⁹ *Planning and Development Act 2007*, section 74.

²⁰ *Planning and Development Act 2007*, section 73A.

²¹ *Planning and Development Act 2007*, section 75.

²² *Planning and Development Act 2007*, subsection 76(3).

²³ *Planning and Development Act 2007*, section 79.

²⁴ *Planning and Development Act 2007*, section 83.

3 THE DRAFT VARIATION

3.1 The Draft Variation to the Territory Plan 344 Woden Town Centre (draft variation) seeks to vary the Territory Plan in the direction of the recommendations of the Woden Town Centre Master Plan (Master Plan). It proposes changes to zones within the Division of Phillip and amendments to the Phillip precinct map and code that:

- rezones selected areas, including:
 - parts of the open space area south of the Callam Offices to permit community facilities;
 - the residential zoning of land in Woden Green near the corner of Hindmarsh Drive and Callam Street as well as land along Athllon Drive to permit higher density development; and
 - the open space shared path along Athllon Drive and Swinger Hill from residential to urban open space to ensure the active travel path is retained;
- introduces building heights to the centre potentially up to 28 storeys, as well as selected sites where marker buildings will be permitted to assist the identification of the centre;
- Includes built form provisions which nominate building setbacks and active frontage requirements to ensure interesting and safe public spaces for pedestrians. Awning requirements are also included to ensure all weather protection along the main pedestrian areas;
- retains the existing planning requirements for community facilities to be provided within the centre, and proposes additional community facility land for future facilities; and
- includes heritage requirements for the protection of the Callam Offices heritage character through height controls around the offices.²⁵

3.2 The draft variation has interim effect.²⁶

3.3 As per Section 72 of the *Planning and Development Act 2007* interim effect enables the provisions of Draft Variation No 344 to apply during the defined period to development applications submitted between 1 December 2016 and 31 December 2016, or submitted on or after the day the draft variation given to the Minister is notified (the notification day).²⁷

²⁵ Draft Variation 344 Woden Town Centre – recommended version, July 2017, p. 1.
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

²⁶ Draft Variation 344 Woden Town Centre – recommended version, July 2017, p. 7.
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

²⁷ Draft Variation 344 Woden Town Centre – recommended version, July 2017, p. 7.
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

3.4 The effect of section 72 during the defined period means that the Territory, the Executive, a Minister or a territory authority must not do or approve anything that would be inconsistent with the Territory Plan as if it were amended by the draft variation. Where there is an inconsistency between provisions in the current Territory Plan and provisions in the draft variation, then the draft variation takes precedence for the extent of the inconsistency.²⁸

Interim effect will end on the day the earliest of the following happens:

- i. the day the plan variation commences
- ii. the day the variation is rejected by the Legislative Assembly
- iii. the day the variation is withdrawn under section 76 (3)(b)(v) or section 84 (5)(b)
- iv. one year from the date of the notification day.²⁹

THE SITES

3.5 The area affected is the Woden Town Centre. This includes part of the Athllon Drive corridor, Phillip service trades area, town centre core, the recreation precinct north of Launceston Street and a portion of the residential area located east of Callam Street.³⁰

3.6 The following Territory map zones currently apply to the Woden Town Centre:³¹

Town Centre

- Commercial Core – CZ1
- Commercial Business – CZ2

Trades and Services Area

- Commercial Service Trades – CZ3

Other

- Residential Land – RZ4

²⁸ Draft Variation 344 Woden Town Centre – recommended version, July 2017, p. 7.
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

²⁹ Draft Variation 344 Woden Town Centre – recommended version, July 2017, p. 7.
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

³⁰ Draft Variation 344 Woden Town Centre – recommended version, July 2017, p. 2.
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

³¹ Draft Variation 344 Woden Town Centre – recommended version, July 2017, p. 3-4.
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

- Public Open Space – PRZ1
- Community Facility Land – CFZ
- Suburban Core Land – RZ2

3.7 In addition to general codes which may apply the following codes currently apply to the Woden Town Centre under the Territory Plan:

- Commercial Zone development code;
- Phillip precinct map and code;
- Residential Zones development code;
- Single Dwelling Housing development code;
- Multi Unit Housing development code;
- Community Facility Zones development code; and
- Parks and Recreation development code.

CHANGES TO THE TERRITORY PLAN

3.8 Land in the ACT is divided into sections and blocks.

3.9 Planning ‘zones’ are applied to land and the zoning determines what kind of development is allowed on the land.

3.10 As illustrated in Figure 1 and Figure 2 the draft variation would make changes to the existing Territory Plan Map, including:

- rezoning several RZ4 medium density residential zoned blocks located directly to the north east of the Hindmarsh Drive and Callam Street intersection to RZ5 high density residential zone;
- rezoning parts of the Woden Town Park from PRZ1 urban open space zone to CFZ community facility zone;
- rezoning the north western corner of the RZ4 medium density residential zoned land east of Callam Street to CZ2 commercial office zone;
- rezoning the area containing the active travel shared path adjacent to Swinger Hill from RZ2 suburban core residential to PRZ1 urban open space; and
- rezoning part of the Athllon Drive corridor from RZ2 suburban core residential zone and TSZ1 transport services zone to RZ5 high density residential zone.³²

³² Draft Variation 344 Woden Town Centre – public consultation version, March 2017, p. 9.
http://www.planning.act.gov.au/data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf; Draft Variation 344 Woden Town Centre – recommended version, July 2017,.



Figure 1 - CURRENT TERRITORY PLAN MAP³³

http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

³³ Draft Variation 344 Woden Town Centre – recommended version, July 2017, p. 4. http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

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Figure 2 - PROPOSED TERRITORY PLAN MAP³⁴

³⁴ Draft Variation 344 Woden Town Centre – recommended version, July 2017, p.8. http://www.planning.act.gov.au/data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

CHANGES TO THE TERRITORY PLAN

AMENDMENTS TO THE PHILLIP PRECINCT MAP

3.11 Precinct maps identify areas where there are additional planning controls.

3.12 The draft variation would make changes to the existing Phillip Precinct Map, including:

- including an RC3 (rule and criteria) area for land outside of the current RC1 commercial area, namely the residential zoned land along Hindmarsh Drive and Athllon Drive (see Figure 3 and Figure 4), to permit specific provisions to be included in the precinct code for these areas that are not part of the commercial portion of the centre;
- Removing the additional merit track provision ‘corrections facility’ MT4 from the Phillip service trades area as this use is inconsistent with the desired future character of the area; and
- introducing a new prohibited development provision PD3 in the Phillip service trades area adjoining Melrose Drive and Athllon Drive for residential use and commercial accommodation. These uses will be prohibited to protect the existing service trades area from incompatible adjoining development.³⁵

³⁵ Draft Variation 344 Woden Town Centre – public consultation version, March 2017, p. 8-9. http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf; Draft Variation 344 Woden Town Centre – recommended version, July 2017, http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

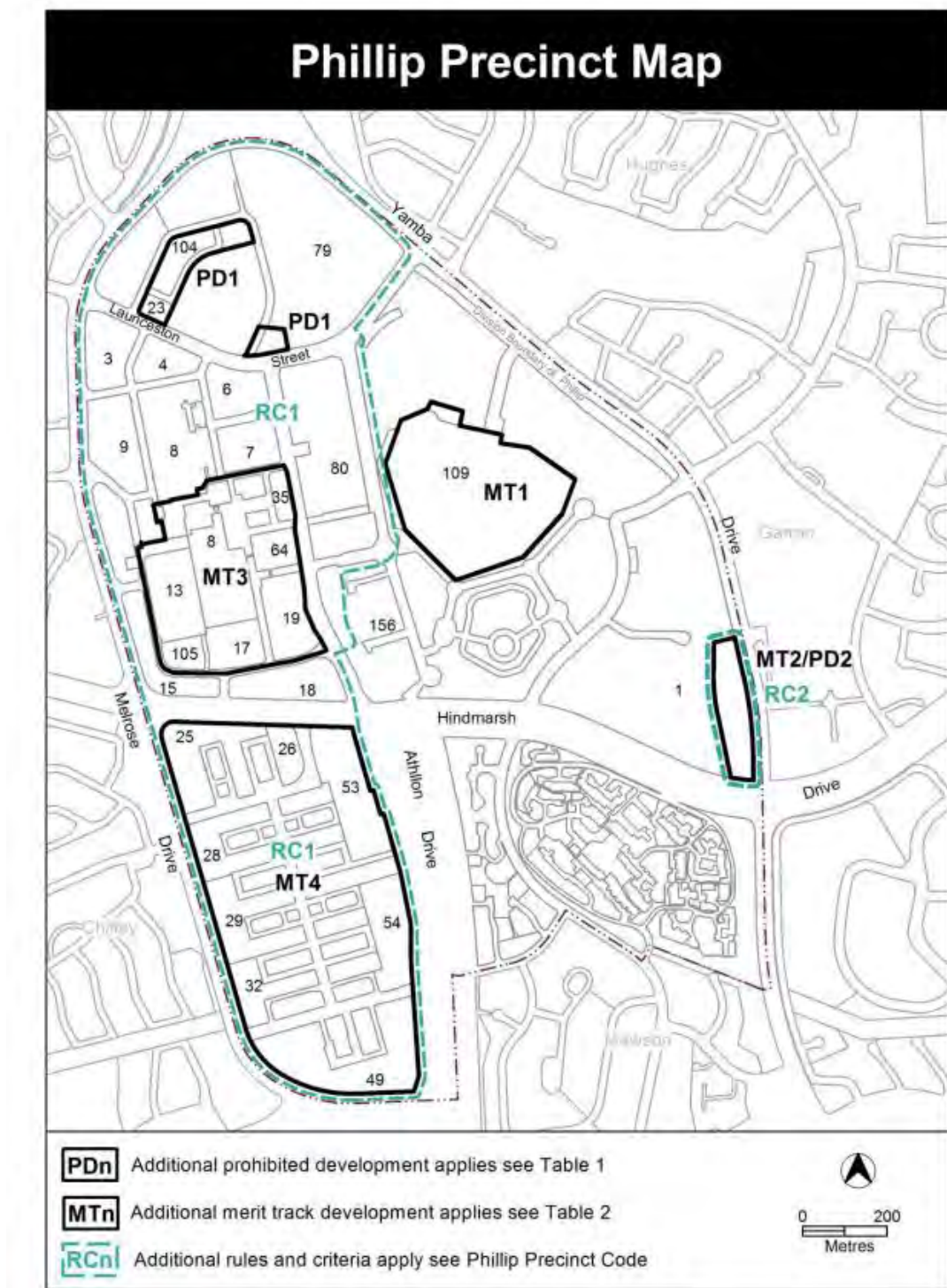


Figure 3 - CURRENT PHILLIP PRECINCT MAP³⁶

³⁶ Territory Plan, Phillip Precinct Map and Code, p. 1.

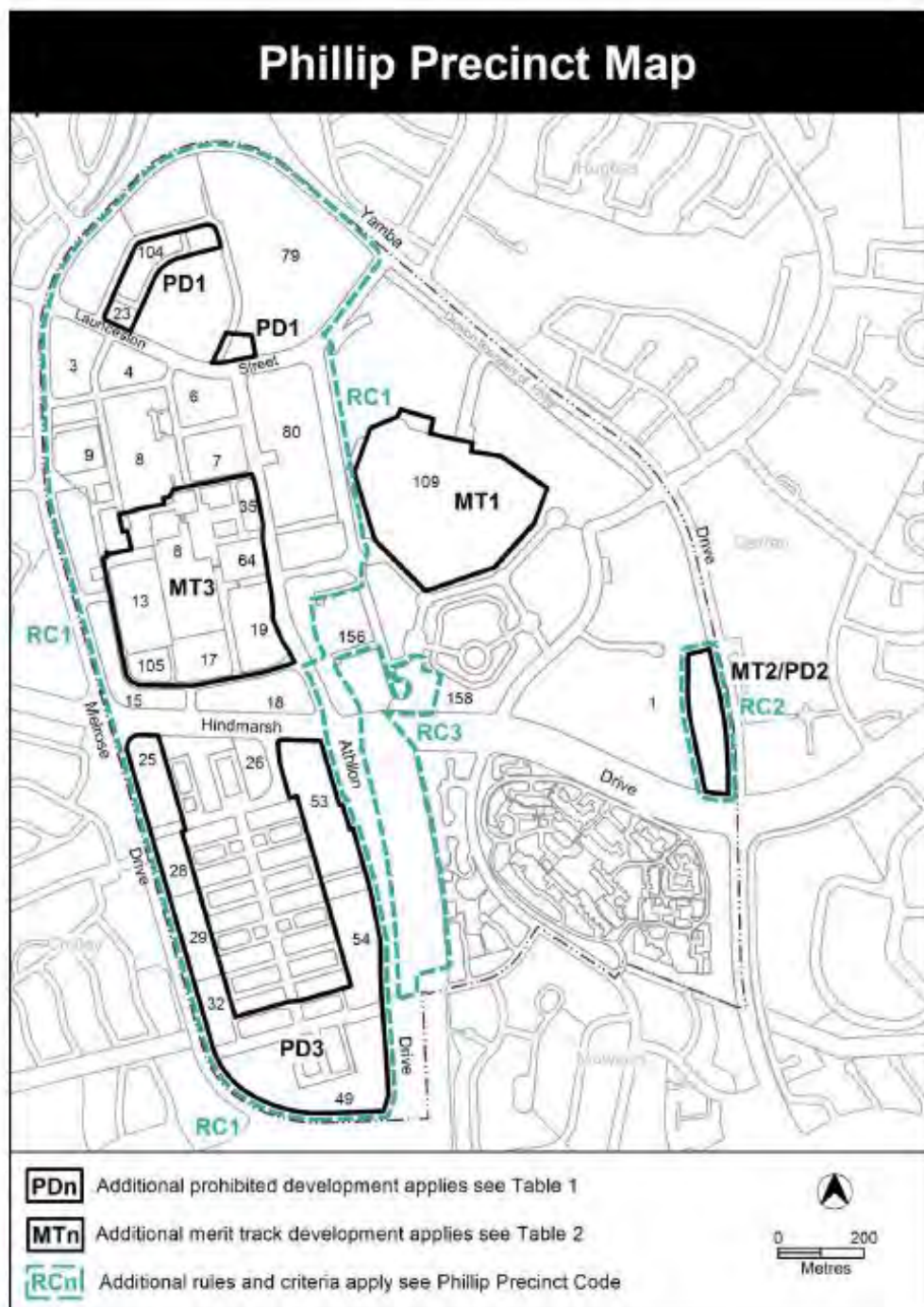


Figure 4- PROPOSED PHILLIP PRECINCT MAP³⁷

³⁷ Draft Variation 344 Woden Town Centre – recommended version, July 2017, Attachment A p. 1. http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

AMENDMENTS TO THE PHILLIP PRECINCT CODE

- 3.13 As outlined in the Territory Plan, Precinct Codes provide additional planning, design and environmental controls for individual blocks and may also contain references to provisions in other codes.
- 3.14 Precinct codes contain additional rules and/or criteria for particular blocks or parcels identified on the precinct map, to be read in conjunction with the relevant development code. Each element has one or more rules and, unless the respective rule is mandatory, each rule has an associated criterion. Rules provide quantitative, or definitive, controls whereas criteria are chiefly qualitative in nature.
- 3.15 The draft variation would make changes to the existing Phillip precinct codes including.
- nominating building heights between 6, 12, 16 and 24 storeys for selected areas within the centre, building setbacks to control the built form of higher buildings, and requirements for awnings along main pedestrian routes;
 - introducing an allowance for proposed development within selected areas to increase building heights up to an additional four storeys provided building height hierarchy is maintained and development is close to public transport stops and stations;
 - permitting four storey development within the central CZ3 service trades area;
 - up to five storeys where development fronts on to Townshend Street and either Colbee Court or Dundas Court, and up to six storeys where development faces Altree Court;
 - nominating areas requiring active frontages where ground floor uses and features direct pedestrians and provide passive surveillance into and out of the building; and
 - ensuring development retains solar access to public spaces and residential development.³⁸

CONSULTATION BY ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE

- 3.16 The Directorate released the draft variation for public comment on 10 March 2017. The closing date for comment was 21 April 2017, however this was extended to 2 June 2017.

³⁸ Draft Variation 344 Woden Town Centre – public consultation version, March 2017, p. 9.
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf; Draft Variation 344 Woden Town Centre – recommended version, July 2017
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

3.17 The Directorate received 28 written submissions from individuals, businesses, community organisations, professional groups and a Member of the Legislative Assembly.

3.18 The key issues of public concern included:

- building heights, with submissions generally supportive or requesting increases in building heights within the town centre, and generally not supportive of increased building heights east of Callam Street;
- building setback provisions and other built form controls, with concerns the controls were repetitive or not flexible enough;
- population density, with general support for increasing density within the centre;
- solar access to dwellings and open space areas, including the town square not being sufficiently protected;
- community facilities, with both support and opposition to the proposed expansion of the community facilities zoned land within Arabanoo Park opposite the bus interchange;
- provision of active travel links through the centre, and inclusion in the precinct code;
- issues with the provision of transport orientated development and light rail alignment;
- concerns with particular site specific provisions affecting blocks;
- seeking additional urban open space areas; and
- noting errors and seeking clarification of specific provisions.³⁹

3.19 In response to public comments, changes were made to the exhibited version of the draft variation. These included:

- changes to rule R3, reducing the area permitted for supermarket on a site east of Callam Street from 1500m² to 500m² to enable a smaller convenience store to serve the day to day needs of residents, while not directly competing with the core commercial area;
- inclusion of restrictions in the floor plan area for marker buildings located outside of the core commercial area to reduce building bulk and form;
- inclusion of a rule requiring solar access to be retained to the town square, as well as to dwellings adjoining development during winter solstice;
- removal of the built form criterion C21 as it duplicated other provisions within the code
- amended area a) in figure 3 to follow block boundaries along the southern edge;
- amended criterion C23 to clarify which provisions apply to residential development and which apply generally, and to remove the podium parking provisions;
- amended criterion C25 to apply to podium parking as well as structured car parks;

³⁹ Draft Variation 344 Woden Town Centre – recommended version, July 2017, p. 5.
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

- deleted criterion C26 as it duplicated provisions in C23 for range of apartment types;
- amended rule R33 to clarify that awnings are required along the entire length of buildings along active frontages, rather than along the entire block frontage;
- amended rule R35 to permit new driveways along Callam Street, but only south of Willow Street to allow vehicle access to block 10 section 156, which would otherwise be constrained by lack of other options for vehicle access; and
- other edits and corrections to selected provisions for clarity and to fix administrative errors that do not alter the intent of the variation, such as correcting references to figures within rules and criteria.⁴⁰

3.20 The Directorate's report on the consultation was made available on their website.⁴¹

COMMENTS ON CONSULTATION

3.21 The Committee notes that given the large amount of planning reports, codes, plans and strategies, it is becoming increasingly complicated for individuals and community organisations who wish to participate meaningfully in public consultation.

3.22 Additionally it was noted that the length of time between the development of the Master Plan and the draft variation was an issue as it brought with it changes in community expectations, population and demographic changes, the introduction of light rail and other new development approaches. This was acknowledged by the Directorate:

What I am taking from listening to the community's understanding of the DV, the territory plan changes—we are changing a plan and we are perhaps not comparing it to what is already there—is that there may be that misunderstanding that you can have community facilities in places already. We are trying to show people that here is an additional lot. Just responding to your question, "Did we make them aware?" we may have done, through the master planning process, but, again, because the master planning process and these territory plan changes are separated by time, they may not have made that link.⁴²

⁴⁰ Draft Variation 344 Woden Town Centre – recommended version, July 2017, p. 6.
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

⁴¹ Draft Variation 344 – Report on Consultation
http://www.planning.act.gov.au/_data/assets/pdf_file/0005/1088573/DV344-Report-on-Consultation.pdf

⁴² Ms Flanery, *Transcript of Evidence*, 18 October 2017, p. 100.

...with the passage of time—and I alluded to this earlier—communities change. We are now hearing that those representing the community have a different view to what we were hearing previously. Certainly we are prepared to listen and hear that...⁴³

There may be a volume of people who put forward a great deal of effort in the master planning process that may not have engaged recently and who may find it a shock to see changes come forward after what they thought had been agreed to.⁴⁴

- 3.23 The length of time also impacted on developers with some indicating the delay, which was beyond what they had expected, and the lack of information about when steps in the process would be undertaken, had caused some difficulty in terms of their proposed developments:

We have been told for four years, “You cannot do anything. Do not bother submitting a DA. Wait for the master plan. Wait for the TPV”. We have diligently waited for four years. As I said, the original timeline was two. It makes no sense. Now, as a result, here we are four years on.⁴⁵

...we worked on the expectation that that master plan and TPV process would be done in 18 months.⁴⁶

- 3.24 Submissions provided to the Committee’s inquiry expressed concern at the changes between the draft variation that had been put out for public consultation and the recommended draft variation. It was felt that a number of changes had been made without justification, sufficient explanation or adequate consultation with affected parties who had previously provided input. Particular concerns in relation to zoning rules and criteria included those raised by:

- Phillip Pool Lessee (see further discussion in Chapter 5);
- Hindmarsh Development (see further discussion in Chapter 5); and
- Woden Valley Community Council.

- 3.25 The Committee was also advised of concerns in regards to the draft variation having interim effect:

The other thing that concerns me is that this draft variation has an interim effect, which means that, while these inquiries and that are going on, anyone can put in a DA under the master plan and keep going, get approval before the Assembly has a chance to comment or the committee puts in its report. I am concerned that major variations

⁴³ Mr Ponton, *Transcript of Evidence*, 18 October 2017, p. 100.

⁴⁴ Minister Gentleman, *Transcript of Evidence*, 18 October 2017, p. 101.

⁴⁵ Mr Hindmarsh, *Transcript of Evidence*, 10 October 2017, p 70.

⁴⁶ Mr Hindmarsh, *Transcript of Evidence*, 10 October 2017, p.71.

to the Territory Plan do have an interim effect which allows all sorts of development to go ahead.⁴⁷

UNDERSTANDING THE DRAFT VARIATION

- 3.26 The Territory Plan is a complex document. Draft Variations to the Territory Plan can reflect this complexity and it can be difficult for lay persons to understand exactly what the existing rules are and how they will be changed by a Draft Variation.
- 3.27 The Committee notes that extensive sourcing and cross matching of relevant documentation is required to ascertain what has been amended in the Territory Plan or what is being referenced within the draft variation. This is beyond the capacity of many in the community, particularly with changes to map references; inconsistent terminology and a lack of explanatory notes.
- 3.28 An example of the lack of explanatory notes was illustrated by the section RC2 being left out of the draft variation documentation which, despite the fact it is indicated in the draft variation that this particular section of the precinct code will be renumbered, because of its absence had at least one submitter thinking it had been removed entirely:

Although the RC2 Yamba Drive Corridor Site is identified in Attachment A of the Precinct Code there are no longer any additional rules and criteria about the number of storeys, setbacks and materials and finishes. There is no explanation about why these rules and criteria have been removed.⁴⁸

- 3.29 It was also noted that the inconsistency in how the heights of buildings are represented, either as number of storeys or survey measurements, in the draft variation was a source of confusion:

The Variation states two measures of Building heights for three 'marker' building sites, one in the number of storeys and the other two sites is in survey measurement.⁴⁹

The master-plan and variations have made no explanatory reference to a surveyor measurement of building height and in the final variation these 'marker' sites would have been missed by the wider community or confused the community as most of the document refers to building heights in the number of storeys.⁵⁰

- 3.30 In addition the Committee noted the following errors:

⁴⁷ Ms Pinkas, *Transcript of Evidence*, 10 October 2017, p 34.

⁴⁸ Submission No. 9, Woden Valley Community Council Inc. p. 5.

⁴⁹ Submission No. 13, Martin Miller.

⁵⁰ Submission No. 13, Martin Miller.

- the numbering within proposed Element 2: Buildings (as applies to RC1 – Woden Town Centre) is incorrect with section 2.1 being allocated to both ‘Building Heights’ and ‘Solar Access’;
- the title of Figure 1 includes community recreation facilities but does not identify any on the actual map; and
- reference is made to the closed Canberra Institute of Technology (CIT).

COMMITTEE COMMENT

- 3.31 The Committee notes that expressing building heights in storeys can cause confusion as there no definition of the height of a ‘storey’.

Recommendation 1

- 3.32 **The Committee recommends that subject to the following recommendations Draft Variation 344 be approved.**

Recommendation 2

- 3.33 **The Committee recommends that where a draft variation to the Territory Plan proposes to amend a code, the existing sections of the code, the proposed code and an explanatory statement of the differences between the two should be provided to facilitate public understanding of the draft variation.**

Recommendation 3

- 3.34 **The Committee recommends that future draft variation documentation and the Territory Plan express minimum and maximum building heights in metres and that if surveyor measurements are to be used than an explanatory note or clear definition is provided as to what the surveyor measurement means.**

Recommendation 4

- 3.35 **The Committee recommends that the current draft variation be edited for errors, inconsistent terminology and outdated references to locations in the Woden Town Centre, particularly those identified by submissions to this Inquiry.**

4 WODEN TOWN CENTRE MASTER PLAN

- 4.1 A master plan is a non-statutory document that sets out how a particular area can (as opposed to will) develop and redevelop into the future. It sets out objectives and strategies to manage development and change over time and defines what is important about a place and how its character and quality can be conserved, improved and enhanced.⁵¹
- 4.2 In Canberra, the Planning and Land Authority under the auspices of the Directorate, prepares master plans for all group centres, key transport corridors and areas adjacent to town centres.⁵²
- 4.3 The community and industry are engaged throughout the process, to ensure local issues and community values are considered.⁵³
- 4.4 Implementation of a master plan may involve:
- Territory Plan variations;
 - Sale of territory owned land;
 - Capital works;
 - Realisation of industry opportunities identified within the master plan; and
 - Further community consultation.⁵⁴
- 4.5 The first Master Plan for Woden Town Centre was developed in 1965 and with construction of the town centre beginning in 1967 an update to the Woden Master Plan was undertaken in 1968. The next Woden Master Plan was developed in 2004, however was only partially implemented before the ACT Planning Strategy (2012) identified the need for a review of the Master Plan and the need for a master plan for the Mawson group centre.⁵⁵
- 4.6 Work began on the current Master Plan in 2013, with consultations beginning in 2014. It was finalised in late 2015 with the document stating it:

...provides a vision, a spatial framework and strategies to guide the development of the Woden town centre of the next 20+ years.⁵⁶

⁵¹ Master plans https://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans

⁵² Master plans https://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans

⁵³ Master plans https://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans

⁵⁴ Master plans https://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans

⁵⁵ Woden and Mawson Master Plans https://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans/woden_and_mawson_master_plans

⁵⁶ Woden Town Centre Master Plan, November 2015, p. 9. https://www.planning.act.gov.au/_data/assets/pdf_file/0009/898272/Woden_Master_Plan-web.pdf

UNDERSTANDING OF RELATIONSHIP BETWEEN THE DRAFT VARIATION AND THE WODEN TOWN CENTRE MASTER PLAN

- 4.7 The Committee notes that a number of submissions to both this inquiry and to the Directorate during their consultation period raised concerns about the draft variation and proposed changes to the precinct code not complying with the Master Plan. These included:

The Woden Valley town centre master plan has a strong focus on environmental sustainability. However, I am concerned that draft variation No 344 to the Territory Plan does not have provisions to ensure that the ACT government policies and strategies are achieved.⁵⁷

From the 2004 master plan onwards, it has become quite apparent that the only aspects of the master plans that ever seem to be enacted are those that seem to suit the commercial interests of people within the Woden town centre area, rather than the social amenity.⁵⁸

The opening statement that the draft variation incorporates the recommendations of the 2015 Woden Town Centre Master Plan, which builds on the 2004 Master Plan, is dubious.⁵⁹

The precinct code does not appear to address the social and cultural requirements of the broader community in the Town Centre. Sites need to be identified in the code for community facilities, e.g an entertainment precinct, a performing arts theatre, community/arts centre, a multi-purpose sports facility, educational institutions and residences and the shared path networks.⁶⁰

- 4.8 In evidence to the Committee, concerns were also raised in relation to content which exists in other precinct codes, such as the Gungahlin Precinct Code, and does not appear in the Phillip Precinct Code:

We know that the Gungahlin precinct code contains many features that are not included in Woden's draft precinct code. For example, an entertainment precinct, a

⁵⁷ Mr Erett, *Transcript of Evidence*, 10 October 2017, p. 39.

⁵⁸ Mr Redmond, *Transcript of Evidence*, 10 October 2017, p.1.

⁵⁹ Submission No. 9, Woden Valley Community Council Inc., p. 4.

⁶⁰ Submission No. 7, Noel Boniface.

community and recreation facilities precinct, sites for surface parking, a cycle network and a public transport stop.⁶¹

- 4.9 When it was suggested that Gungahlin's precinct code was more comprehensive because they did not have a master plan it was proposed that in order for something to be complied with under law it needs to be in a precinct code, not a master plan:

the difference is that the precinct code is law, and it must be obeyed, whereas a master plan is just a policy document—you can just ignore that.⁶²

- 4.10 In this context the fact the Master Plan is not a statutory document was of concern. It was subsequently suggested that if it was made a statutory document this may reduce confusion and give the public more confidence in the processes involved in implementing a master plan:

I certainly think master plans should be statutory documents. It may be something for the committee to consider.⁶³

- 4.11 The Directorate, however felt that much of the concern expressed by submitters was because of a lack of understanding of the interaction between the Master Plan and the Territory Plan. Minister Gentleman observed that:

While there is scope to amend the variation in keeping within the spirit of the master plan, I note that a number of the issues raised seek changes that would be inconsistent with the master plan or referred to broader policy issues that lie outside the scope of the draft variation.⁶⁴

- 4.12 The Directorate sought to make clear that:

the Territory Plan variation is only one tool in realising the master plan vision. Implementation of the master plan will also be carried out through other directorates undertaking associated works, such as the implementation of the active travel network, the rejuvenation of public spaces and the provision of public services and facilities.⁶⁵

- 4.13 And highlighted how it is not just the government and government directorates that are involved in implementing the Master Plan:

...the master plan is not all about what the government will do. It is about what the local community and, for that matter, the broader community want to see in their centre, Woden being a town centre. It provides the framework for that private

⁶¹ Fiona Carrick, *Transcript of Evidence*, 10 October 2017, p. 21.

⁶² Fiona Carrick, *Transcript of Evidence*, 10 October 2017, p. 22.

⁶³ Ms Pinkas, *Transcript of Evidence*, 10 October 2017, p. 34.

⁶⁴ Minister Gentleman, *Transcript of Evidence*, 18 October 2017, p. 85.

⁶⁵ Minister Gentleman, *Transcript of Evidence*, 18 October 2017, p. 85.

investment. The Territory Plan variation is but one aspect. In this case we have pulled out those things that are relevant to the Territory Plan and incorporated them. But that is not the end of it. As the minister quite clearly said in his opening statement, there will need to be other investment, both public and private, to achieve everything in the master plan. It may take some time to achieve that. The life of a master plan can be two, three, five, 10 years. In fact, the master plan would identify those short, medium and longer term actions.⁶⁶

- 4.14 Ian Mackay from the Canberra Southern Cross Club recognised the dynamic nature of the Master Plan and noted that as Woden evolves there will be a need to make timely and responsive changes to both it and the Territory Plan:

Woden Town Centre will experience considerable change in the coming years, which may include opportunities not anticipated in the Master Plan. It is essential that all stakeholders recognize DV344 as the starting point for the next phase of town centre development, rather than an endpoint. We continue to advocate for a refresh of the Master Plan and Territory Plan once the alignment and location of light rail stations has been confirmed. Ensuring an up to date and responsive policy framework that facilitates rather than restricts opportunities is essential to future investment.⁶⁷

- 4.15 This was reiterated by Minister Gentleman who stated:

it is essential that all the stakeholders recognise that DV344 is a starting point for the next phase of the town centre development rather than being the end point. While it may seem that some of the proposed changes will be set in stone for the next 20 years, the reality is that planning is a constant review of the policies in place. It ensures that the building environment is responsive to changes in climate, to the community and to understanding best practice design as well.⁶⁸

Recommendation 5

- 4.16 The Committee recommends that the ACT Government finalises the development of master plans in a more timely fashion.**

⁶⁶ Mr Ponton, *Transcript of Evidence*, 18 October 2017, p. 93.

⁶⁷ Submission No. 4 Canberra Southern Cross Club, August 17 Letter.

⁶⁸ Minister Gentleman, *Transcript of Evidence*, 18 October 2017, p. 88-89.

Recommendation 6

- 4.17 The Committee recommends that the ACT Government develop a short, simple and clear outline of the intent and purpose of planning documents within the ACT, including master plans, draft variations and precinct codes and how these interact with the Territory Plan, and that this be provided to the public with all future consultation and draft variations.**

5 KEY ISSUES

BUILDING HEIGHTS AND SCALE

HEIGHT MAXIMUMS

- 5.1 The core of the Town Centre currently does not have maximum building height limits. The variation would introduce maximum building height limits in these areas. Other parts of the Town Centre do currently have maximum building height limits and the variation would make changes to these. These changes generally increase the maximum building height allowed.
- 5.2 Very few individuals or community organisations who provided evidence to the Committee supported the building heights as proposed in the draft variation. Whilst some were willing to extend to 16 storeys in some areas,⁶⁹ the most common maximum that submitters felt was acceptable was between 7 and 12 storeys.⁷⁰
- 5.3 Those that supported higher building heights were generally planners and developers, however one submission to the public consultation process supported no cap on building heights in Woden so that Woden could become the new 'City Centre'. They believed that the increase in building heights would improve 'efficiency, productivity and environmental outcomes'.⁷¹
- 5.4 In support of taller but thinner buildings Junstamp Pty Ltd suggested that:
- Higher buildings offer the opportunity for more elegant more diverse building forms and more interesting skyline.⁷²
- 5.5 Purdon Planning in their submission to the public consultation process for the draft variation also supported the concept of height over bulk:
- if strict height limitations are placed on sites, developers will be inclined to build more bulky developments to achieve sufficient yields. Rather more slender, taller

⁶⁹ Submission No. 9, Woden Valley Community Council; Submission No. 12, Chris Erett.

⁷⁰ Submission No. 7, N Boniface; Submission No. 2, Richard Bush; Submission No. 6, Woden Community Service; Submission No. 5, Sheelagh Egan; Submission No. 12, Chris Erett.

⁷¹ Name Withheld, Public Submission.

⁷² Submission No.10, Junstamp Pty Ltd.

developments should be encouraged, as these would enhance the centre's built form.⁷³

Bulky, box-like buildings provide reduced opportunity for sustainability measures for passive solar, communal green spaces and site servicing in comparison to elegant, this architecturally designed developments which can achieve similar yields whilst freeing up open space to cater for amenity integrated into the built form and surrounds at ground level.⁷⁴

- 5.6 However this was countered by concerns about shadowing, solar access, wind shear and claims that:

High rise development will interrupt the existing views Woden residents currently enjoy to the numerous hills and mountains visible from the Valley.⁷⁵

- 5.7 Sustainability of high rise towers was also a noted concern:

The Master Plan states that "new developments will be environmentally sustainable". ...Taking into account building and operational inputs, some studies have shown that the desirable height for environmentally sustainable buildings is from 6 to 8 storeys. Certainly much of the literature disagrees that high rise towers are as sustainable.⁷⁶

- 5.8 It was noted that in addition to the height limitations, C9 of the proposed draft variation, provides an extra four storeys when:

- a) the development maintains the building height hierarchy of the centre by retaining the taller buildings at the middle of the town centre; and
- b) development is close to public transport stops and stations.⁷⁷

- 5.9 However, it was brought to the Committee's attention that criteria for the additional storeys had been reduced from an initial six criteria in the Master Plan to two criteria in the draft variation. A number of submitters felt that this change favoured developers over social amenity:

The recommended variation is overall disappointing by giving developers and building owners increased building heights in areas a, band c (density bonusing) by an additional four storeys stating only that the development is close to public transport

⁷³ Purdon Planning, Public Submission.

⁷⁴ Purdon Planning, Public Submission.

⁷⁵ Submission No. 13, Martin Miller.

⁷⁶ Submission No. 14, Gina Pinkas

⁷⁷ Attachment B, Draft Variation 344 Woden Town Centre – recommended version, July 2017, p. 4.
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

stations, stops and maintains the building height hierarchy with higher buildings to the centre. This does not include any requirement for the provision of affordable housing or the retention or providing of public open space and community facilities. With this recommendation close to public transport stations and stops all sites contained within the town centre could reasonably be argued will meet this requirement and see building heights allowed up to 16 storeys fronting all side of the commercial precinct in area c. This was not the intention of the master plan.⁷⁸

5.10 Some queried why social amenity was being traded off against innovation:

There are no criteria for innovation that would compensate for further loss of amenity by adding more storeys. I have seen developments requiring innovation to get the extra approval and there is no written assessment of the innovation. I am not at all confident that there is any benefit from the extra storeys and ask that this provision at least be recommended for removal. So called community benefits are often fraught when included in developer driven proposals. Community benefits should be based on community need, not developers' aspirations for 4 more storeys.⁷⁹

5.11 Whilst others queried the actual benefits of such an approach:

I personally think that those rules around four are a bit contrived, to be honest. I think what would be more sustainable and get better built outcomes is if you allowed for heights which were based on merit and based on built outcomes rather than a series of rules that said 12 and then add a bit more. Generally you are not going to end up with beautiful buildings, nor are you going to end up with the outcomes that you are probably wanting. No, I would disagree with putting almost contrived controls onto the heights but rather have them merit based on sustainable outcomes and parts which breathe and get light.⁸⁰

HEIGHT AND SCALE

5.12 In their evidence to the Committee the Woden Valley Community Council indicated that:

In order to increase the population in Woden to support the sustainable demand for commercial activities, the WVCC supports urban infill. Residential developments must minimise overshadowing and maintaining human scale.⁸¹

⁷⁸ Submission No. 13, Martin Miller.

⁷⁹ Submission No. 14, Gina Pinkas.

⁸⁰ Mr Millman, *Transcript of Evidence*, 10 October 2017, p. 65.

⁸¹ Submission No. 9, Woden Valley Community Council Inc. p. 8.

- 5.13 Human scale was identified as an important concept which was articulated in both the 2004 and 2015 Master Plan's, however submitters did not understand why marker buildings of 12 storey's was considered 'human scale' in 2004 and up to 28 storey's is considered 'human scale' in in the current process.⁸²
- 5.14 Additionally submitters expressed concerns about built heights and the 'landscape setting of the Woden Valley' and again highlighted the Master Plan which indicated that building heights should be limited so they
- provide a building height transition from the surrounding areas, and provide a human scale to the height and massing of the building...⁸³
- 5.15 It was identified that the intention of the master plan is to have a transition from lower scale development along Melrose Drive to higher scale development in the town centre.⁸⁴ This concept seemed to correlate with previous models for the Woden Town Centre:
- Talking to planners, including some early planners on Woden town centre, the intention with the Lovett Tower was to have that central massing like a traditional village or whatever, where you have a church and the town centre goes down from that. In terms of planning principles, as I have been told by several planners, it is not good to have things around the edge but to have the central massing because that is the sort of urban form people are used to.⁸⁵
- 5.16 However, concern was expressed at the height of even the lower scale development relative to buildings on the other side of the roadway:
- Precincts such as along Melrose Drive are proposed to have up to 12 storeys, which is significantly higher than the existing developments opposite in Lyons, which are predominantly three to four storeys.⁸⁶
- 5.17 Purdon Planning in their submission to the public consultation process expressed concerns that:
- the alignment of the various building height zones do not lend to an even transition for the cityscape though jumps in height restrictions between building height zones.⁸⁷

⁸² Submission No. 14, Gina Pinkas; Submission No. 13, Martin Miller.

⁸³ Mr Erett, *Transcript of Evidence*, 10 October 2017, p. 40.

⁸⁴ Mr Erett, *Transcript of Evidence*, 10 October 2017, p. 40; Ms Pinkas, 10 October 2017, p. 42.

⁸⁵ Ms Pinkas, *Transcript of Evidence*, 10 October 2017, p.42.

⁸⁶ Mr Erett, *Transcript of Evidence*, 10 October 2017, p. 40.

⁸⁷ Purdon Planning, Public Submission.

MARKER BUILDINGS

- 5.18 Building height and scale also underpinned the evidence provided to the Committee on the concept of marker buildings in the Woden Town Centre:

I do not believe a rational case has been made in relation to the marker building concept. The master plan describes their purpose to help people identify that they have entered the centre or to assist them to orient themselves as they move through the centre. I am sorry; I just do not get it. One could argue that Lovett Tower acts as a marker of the centre of the town, although I suspect most people use their smartphones these days and are often looking down. But surely adding additional marker buildings will dilute its significance and just confuse people.⁸⁸

The Master Plan states that 'opportunities for marker buildings in strategic locations are promoted to help people identify that they have entered the centre or to assist them to orient themselves as they move through the centre'. The WVCC rejects this concept, visitors can use GPS technology or a map. This policy values visitors more than the community living in the district.⁸⁹

- 5.19 Some submitters expressed concern about how the marker buildings fitted in with Lovett Tower:

To have a seemingly randomly scattered range of similarly high buildings would look even odder. I was told by one of the original NDCDC planners for the town centre that the Lovett Tower was meant to be the centre of the town in the manner of a church tower with buildings reducing in height from the centre. Certainly this is the traditional visual approach. While central height massing is understandable, the need to have marker buildings equally as high as stated in the Master Plan "to help visitors find their way to and around the centre" is a ridiculous reason.⁹⁰

- 5.20 Purdon Planning in their submission to the public consultation process expressed concerns about the marker buildings in some locations, indicating that:

It would disrupt the Woden Cityscape and provide a concave effect to the building heights to the Town Centre, which is not considered desirable and does not align with creating a high visible heart to Woden.⁹¹

⁸⁸ Mr Erett, *Transcript of Evidence*, 10 October 2017, p. 40.

⁸⁹ Submission No. 9, Woden Valley Community Council Inc.

⁹⁰ Submission No. 14, Gina Pinkas.

⁹¹ Purdon Planning, Public Submission.

Particular consideration must be given to this cityscape, as the Town Centre is located within a valley and a poorly located marker building would impact many Woden Valley residents.⁹²

It is also questioned as to what such a development is pinpointing as part of its marker building function. Marker buildings are ideal for highlighting the heart of a Town centre or key point of interest, or to act as a gateway building at the entrance to a centre.⁹³

- 5.21 There was specific concern about the proposed marker building that would be situated on the Woden Tradies site, which had previously had a DA reduced to 19 and 17 storey's due to overshadowing concerns:

Now it is acceptable go back up to 24 storeys for some reason? There is no need for a marker building on this site and 12 storeys will be in-keeping with the surrounding developments of Sorrell (10 storeys) and Trilogy (12 storeys) along with Discovery House and the new Siruis Building.⁹⁴

- 5.22 Not all submitters had reservations about marker buildings with the Australian Institute of Architects (AIA) stating in their submission to the public consultation process:

The marker buildings as shown in the Master Plan are supported by the Institute. Both Centre's and their connector, Athlon Drive, are situated in a low point of the Woden Valley where there is little natural topographical beauty, except a lowly flowing creek. To add scale, proportion and texture, we believe the introduction of mixed use buildings of high quality design will certainly enhance, link and identify both Centre's.⁹⁵

- 5.23 In response to concerns about the marker buildings the Directorate explained that:

From a planning perspective, marker buildings are important because, apart from providing some visual interest to the town centre, they actually help people to orientate themselves, particularly visitors, when they come to a centre. From a planning perspective they are quite useful in terms of adding that interest.⁹⁶

- 5.24 They also explained the origin of the concept of marker Buildings for Woden Town Centre:

The marker building idea came up through the development of the draft master plan, so out of the first stage of engagement. As Mr Ponton touched on, it is very much about an urban design response, whether it is buildings as markers, as a kind of gateway into the town centre, or used as identifiers if you are standing in the bus

⁹² Purdon Planning, Public Submission.

⁹³ Purdon Planning, Public Submission.

⁹⁴ Submission No. 13, Martin Miller.

⁹⁵ Public Submission Australian Institute of Architects.

⁹⁶ Mr Ponton, *Transcript of Evidence*, 18 October 2017, p 112.

interchange and you need a visual cue about where you go to for either different activities or just to orient yourself as you walk around.⁹⁷

SHADOWING / SOLAR ACCESS

5.25 The Committee noted that there was a great deal of discussion and concern about the effects of shadowing and ensuring adequate solar access to public spaces and future residences.

5.26 Submitters raised concerns about how the proposed draft variation was going to ensure that:

each dwelling in every development will have acceptable solar access. For example, if the first development of a precinct is located to the north and is able to achieve a northerly aspect, how will subsequent developments achieve the minimum standard if they are overshadowed? Conversely, if the first development of a precinct is located to the south, what protections will there be to avoid overshadowing by subsequent developments to the north? I suggest there needs to be a detailed assessment of appropriate building heights and setbacks for each block in a precinct before it is sold.⁹⁸

5.27 Effectively it was felt there would be a first in best dressed scenario, not only for buildings that would overshadow the town square but for buildings who would overshadow each other. With such considerations in mind a number of submitters pressed upon the Directorate that there be no 'isolated consideration'.⁹⁹

Rather than randomly approving individual tower blocks, with little or no assessment of the impact of such towers on neighbouring buildings or ground level environment, if we are allowing such development, then impacts on adjacent buildings and ground level spaces must be part of the assessment mandatory criteria.¹⁰⁰

5.28 The Directorate sought to reassure the Committee that

It would come down to the proposal and the design of it. I suppose there would be different ways—you might have a taller, thinner building that might not overshadow much of the town square for very long. Obviously if it is a wider, tall building it is going to have a much bigger impact and would be unlikely to be able to be approved. It would be an assessment of the overshadowing of the square at the time of the development application. It would not be in isolation, just that development; it would be a consideration of the square.¹⁰¹

⁹⁷ Mr Riches, *Transcript of Evidence*, 18 October 2017, p. 113.

⁹⁸ Mr Erett, *Transcript of Evidence*, 10 October 2017, p. 39-40.

⁹⁹ Submission No 16, Weston Creek Community Centre.

¹⁰⁰ Submission No. 14, Gina Pinkas.

¹⁰¹ Ms Kaucz, *Transcript of Evidence*, 18 October 2017, p. 87.

5.29 In this context Mr Elsum suggested that the proposed three hours solar access:

should be amended to increase the area from 1,000m² to at least 75% of the square and the minimum hours from 3 hours between 9am and 3pm to 6 hours between 9am and 4:30pm to cover after-school use by children and their carers.¹⁰²

5.30 Mr Erett also claimed that the minimum three-hour solar access was 'an inadequate bare minimum, particularly for segments of the population such as retirees, who are likely to spend more time at home.'¹⁰³

5.31 Mr Erett also suggested that:

If the government is serious about achieving a sustainable built environment, this should be demonstrated by additional criteria incorporating a higher standard of solar access for residential buildings. That is:

- solar orientation should be optimised such that all apartments in a residential development must have 4 to 5 hours of solar access to living areas, between 9am and 3pm at the winter solstice. i.e. residences facing south or directly east/west should not be permitted.
- No development should adversely impact solar access to an adjacent residential building or public space.¹⁰⁴

5.32 In this context Mr Elsum suggested that the proposed wording of C16 should be consistent with R16 and 'be amended to include guidelines on what is considered "reasonable".'¹⁰⁵

5.33 Mr Erett maintained that four to five hours of solar access could be achieved by orientating the buildings correctly, particularly if a mixed use approach was used:

...[The] mixed-use idea would allow you to orient different components of the building for their best purposes. For example, with office accommodation, it is preferable to orient it to the south because it reduces the heating load on the building and therefore reduces your energy costs in terms of air-conditioning. Whereas on the north side retirees who might be at home during the day want the sun in their apartments in winter and on their balconies and private open spaces to improve their living.¹⁰⁶

5.34 Mr Millman proffered the suggestion that shadowing and solar access would be improved with tall and slender buildings which:

¹⁰² Submission 17, Ian Elsum,

¹⁰³ Mr Erett, *Transcript of Evidence*, 10 October 2017, p. 39.

¹⁰⁴ Chris Erett, Public Submission

¹⁰⁵ Submission 17, Ian Elsum.

¹⁰⁶ Mr Erett, *Transcript of Evidence*, 10 October 2017, p. 41.

can perform much better from an environmental point of view than short, fat buildings. Their shadows move more quickly because they are slender; the ability to get light into all the apartments is much easier; and the ability to get corner units and cross-flow ventilation is obviously better.¹⁰⁷

5.35 When giving evidence both the Directorate and the Woden Valley Community Council utilised digital representations of the shadowing effect across the town square at various times throughout the year. However, it was observed by the Committee that there was a great deal of inconsistency in the modelling and noted that the nature of the development, including setbacks, height allowances, building dimensions and building orientation would have an effect on shadowing and solar access provisions that could not be consistently determined by such programs.

5.36 The Directorate suggested that the shadowing models available to submitters would not have taken into account solar provisions and setbacks but also admitted that their own shadowing models over time had undergone changes:

It is the directorate really trying to understand the impact of buildings and what they might look like. As we get more information and as we look at more information, the overshadowing and how we can address that is more apparent in these diagrams. It is not that one was inaccurate; it is just that we are building up our understanding and setting up more criteria around that.¹⁰⁸

COMMITTEE COMMENT

5.37 The Committee recognises that the draft variation will introduce height limits for the first time for much of the Town Centre. This is supported.

5.38 The Committee also recognises that the Town Centre is in desperate need of redevelopment and renewal and allowing tall buildings will support the financial viability of this redevelopment.

5.39 However, the Committee is concerned that there appear to be substantial community concerns about the proposed building height limits and their impacts. Unaddressed community concerns will lead to conflict, objections, community campaigns and appeals at the Development Application (DA) stage of proposals. Conflict with the community erodes certainty for developers and leads to costly delays – redevelopment could be slow or non-existent if every proposal is highly-contested.

¹⁰⁷ Mr Millman, *Transcript of Evidence*, 10 October 2017, p. 65.

¹⁰⁸ Ms Flanery, *Transcript of Evidence*, 18 October, p. 90.

5.40 To address these issues, the Committee recommends a number of changes to the draft variation intended to increase community support:

- First, there is a clear lack of community support for the four-storey height bonus proposed in C9. The Committee's view is that this should be changed so the bonus is only available where it will not cause additional overshadowing problems and there is clear community benefit.
- Second, there needs to be greater protection of sunlight into the Town Square.
- Third, there needs to be better protection of sunlight for dwellings. The Committee is concerned that apartments are approved in one building that just meet solar access standards for 3 hours of sunlight,¹⁰⁹ but are then overshadowed by the next building approved. For example the proposed Geocon development on the site previously owned by the Tradies Club will overshadow existing apartments across Melrose Drive in Lyons, while potentially in future itself being overshadowed by a redevelopment of the Pool site. The result can be large number of lower floor apartments with very little sunlight in contravention of their original planning approval.
 - Whilst the Committee notes that changes have been made to the draft variation that address this issue in relation to the Hindmarsh Development on Section 81, they are of the view that the broader issue should be addressed more systematically with a planning rule that applies to the whole of the Town Centre.
- Finally, there is a clear lack of support for the marker buildings concept. Changes have already been made by the Government in earlier stages of the draft variation process to the proposed marker building on Section 81. Changes also need to be made to the proposed marker building in Section 3.

Recommendation 7

5.41 **The Committee recommends that the ACT Government amend the proposed C9 to only allow an additional four storeys where:**

- **the development demonstrates design excellence;**
- **the development provides demonstrated community benefits such as community housing or not-for-profit community facilities; and**
- **the additional height will not have a significant detrimental overshadowing impact on public spaces or residential buildings.**

¹⁰⁹ Territory Plan, Multi Unit Housing Development Code, Rule 58, p. 26.

Recommendation 8

- 5.42 The Committee recommends that the ACT Government amend the proposed R16 and C16 to ensure they apply to all development in Woden, not just ‘development adjoining the town square.’**

Recommendation 9

- 5.43 The Committee recommends that the ACT Government amend proposed R16 to ensure sufficient solar access retention in the Woden Town Square so as to maintain amenity for people using Woden Town Square during winter solstice.**

Recommendation 10

- 5.44 The Committee recommends that the ACT Government amend the draft variation to provide explicit overshadowing protection for dwellings in the area covered by the draft variation, to ensure they retain the minimum of three hours of solar access that they were required to have to be approved.**

Recommendation 11

- 5.45 The Committee recommends that the ACT Government amend the draft variation to cap the scale and height of the marker building proposed for Section 3 to the scale and height of the previously-approved DA.**

WIND SHEAR

- 5.46 Evidence provided to the Committee expressed consistent concerns about current windshear problems in Woden Town Centre:**

Essentially, the wind that comes off Lovett Tower goes down and blows through the town centre. I do not know if you have spent much time in the town centre, but if you go into the town centre it is just a wind bowl, as is the north walk as well, which is the bit that goes down towards Scarborough House, down towards IP Australia. The whole place is just a wind tunnel. It may have been changed a little now, with the creation of the steps down to the bus interchange, but not a great deal. It is the wind that comes off all those buildings that creates what I would call a mini tornado in there and it is the

reason why they took out the fountain years ago. It just blew water all over the town square.¹¹⁰

5.47 According to the Master Plan:

Wind shear from tall development was consistently raised as a concern during all stages of community engagement, particularly in the town square and office precinct.¹¹¹

5.48 These concerns extended to how this issue would be extrapolated if additional high-rise building were to be constructed, particularly as it was noted that ‘high-rise buildings create their own micro-climates’.¹¹²

One of the big issues with the Woden town centre, as we all know, is windshear. When I used to do comments on variations to the Territory Plan, as the Woden community council planning officer—and I did heaps of them—windshear was the major factor they quoted, because the only records we had at the time were at the airport. The Woden town centre is a far different microclimate to the airport, and wind is a major factor in the town centre. I think it has been quite destroyed by all the buildings that are already there, but 28-storey towers are going to create huge alleys for wind and all sorts of things.¹¹³

5.49 A number of ways to mitigate this issue were suggested in the Master Plan and by a few submitters who touched on the inclusion of balconies, podiums, setbacks, mandatory minimum distances between buildings:¹¹⁴

Development controls should include measures to reduce wind shear from taller development onto the streets and public spaces...Providing building setbacks to upper floors is one way to achieve this.¹¹⁵

Improve the design of the town square to incorporate structures that reduce wind impacts and the heat island effect, including canopies or arbours; any new structures should be multipurpose to allow for community events and contribute to a pleasant space.¹¹⁶

¹¹⁰ Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 7.

¹¹¹ Woden Town Centre Master Plan, November 2015, p. 55.
https://www.planning.act.gov.au/data/assets/pdf_file/0009/898272/Woden_Master_Plan-web.pdf

¹¹² Mr Miller, *Transcript of Evidence*, 10 October 2017, p. 30.

¹¹³ Ms Pinkas, *Transcript of Evidence*, 10 October 2017, p. 36.

¹¹⁴ Ms Carrick, *Transcript of Evidence*, 10 October 2017, p. 30; Mr Miller, 10 October 2017, p 30; Woden Town Centre Master Plan, November 2015,
https://www.planning.act.gov.au/data/assets/pdf_file/0009/898272/Woden_Master_Plan-web.pdf

¹¹⁵ Woden Town Centre Master Plan, November 2015, p. 73.
https://www.planning.act.gov.au/data/assets/pdf_file/0009/898272/Woden_Master_Plan-web.pdf

¹¹⁶ Woden Town Centre Master Plan, November 2015, p.74.
https://www.planning.act.gov.au/data/assets/pdf_file/0009/898272/Woden_Master_Plan-web.pdf

5.50 However, it was not clear how these measures took into account 'the interaction with surrounding buildings.'¹¹⁷

HEIGHT, ACCESSIBILITY, SAFETY AND SUSTAINABILITY

5.51 Evidence was provided to the Committee in relation to the safety concerns that some submitters held in relation to high rise buildings, including fire hazards and the increased likelihood of power failures:

The safety of residents is also compromised when there are power failures which seems to be more probable. Not able to open windows for cooling and no air conditioning in power failures, no lifts, all pose greater threats in high rise towers. Residential buildings of such height pose safety concerns for residents from fire. While there are good regulations under the Building Code, all too frequently in Canberra with private certification, the code is not adhered to. Also new building materials are not safety checked at times resulting in the current plethora of buildings with fire risk cladding exposed by ABC's "Four Corners" program.¹¹⁸

5.52 Accessibility issues were another concern:

Such towers are not family friendly. Where will the children play in the Town Centre? What are the social impacts on children living in such environments? If the buildings are to be for aged people then there needs to be more than one lift servicing high rise buildings for when one lift breaks down.¹¹⁹

5.53 Submitters also raised concerns about the environmental impact of high rise developments:

High rise is not that sustainable in terms of energy /water use. A 2011 study conducted by Willoughby City Council in Sydney showed that High rise development uses far more energy and water and produced more CO₂ than mid rise, low rise, town house and even single detached dwellings.¹²⁰

...there are insufficient studies to show that they are the best way to provide for residential densification on an environmentally sustainable basis.¹²¹

¹¹⁷ Submission No. 14, Gina Pinkas.

¹¹⁸ Submission No. 14, Gina Pinkas.

¹¹⁹ Submission No. 14, Gina Pinkas.

¹²⁰ Submission No. 13, Martin Miller.

¹²¹ Submission No. 14, Gina Pinkas.

URBAN DECAY AND LOSS OF AMENITY

- 5.54 Many submitters expressed concerns about the loss of amenity in the Woden Town Centre and noted the significant urban decay that is making the Woden Town Centre, and in particular the town square an unpleasant place to spend time:

The square fails as a pleasant place to be. The landscaping is virtually non-existent. Some of the frontages, on the north side are boarded up and have attracted the taggers. Lift your eyes to the abandoned Health building and you could be in a post-industrial city of the US rust belt. The one broken window rule has applied and, now, almost all the windows are broken.¹²²

We have seen the loss of social amenity. We have seen the loss of heritage buildings within the north walk area and we have seen the loss of social amenity along the north walk itself, where there are some nice small picnic areas for public servants to eat their lunch. This has been barricaded off from public use for the last two years, I think. I do not believe there is any great social amenity within the Woden town centre at all.¹²³

I think that is quite obvious if you are looking at the town centre now. It is a fairly derelict sort of area. It is almost dystopian in the way in which you look at it.¹²⁴

- 5.55 Submitters specifically highlighted the loss of social, recreational, education and cultural facilities and open space:

We have lost a few things, not the least of which is the bowling alley. If you look at the north walk, you will see that it has been closed off, I think for about three years, due to the decommissioning of the Albemarle and Alexander buildings. They used to have barbecues and green spaces for people to have lunch, for instance. They have now been closed off for at least two years. There is no access to them. It is that amenity, the simple amenity. There is no other great amenity in the area apart from the Phillip oval, which is built for use by small numbers of people. There is the loss of the pitch and putt, the gym down at the Southern Cross Club, the bowling greens—they have all gone. We still have the privately owned pool and ice-skating rink. We have Eddison Park. But that is the only remaining social amenity within the town centre.¹²⁵

¹²² Submission No. 2, Richard Bush.

¹²³ Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 2.

¹²⁴ Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 1.

¹²⁵ Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 9.

Instead facilities in Phillip have closed, for example, the CIT, basketball stadium, bowling alley, bowling greens, tennis courts, pitch n putt, commercial buildings and night clubs. The future of the pool and the ice skating rink are at risk and Woden has never had a community/arts centre. Policies that have allowed the closure of significant community assets have left little activity in the centre and a lack of confidence in Woden, by both the community and the private sector.¹²⁶

- 5.56 Others focused on the fact there is no community centre, community art space or meeting facilities and that all the focus appears to be on the local clubs:

There is not a community centre within the Woden town centre—not the like of which would in any way rival that which you might see in Belconnen or in Tuggeranong—that allows for greater social and recreational participation within our regional area.¹²⁷

there is nowhere that people within Woden can go for any social or recreational activities, other than to the clubs...There is no community art space, as you have in Belconnen and no doubt have in other areas such as Tuggeranong. There are no places where groups can meet without having to go to a club. There are no places where functions can be held other than going to a club. When you go to the club you also have to purchase the food from the club. You cannot get your own caterers in.¹²⁸

- 5.57 There was also concern about the effect of the loss of workers due to the relocation of territory and federal government departments:

Woden and, through proximity, Mawson, have been detrimentally affected by the Federal Government's decisions to relocate departments.¹²⁹

- 5.58 Although the relocation of ACT Health in the last twelve months was acknowledged as a step in the right direction it was felt that replacement of office buildings with residential buildings with inadequate town amenities would mean Woden was destined to become a dormitory suburb:

the danger is that it turns into a campus town centre where people live but they do not work there, and that is not really a great outcome from a town planning point of view or for the daytime activity in that area.¹³⁰

¹²⁶ Submission No.9, Woden Valley Community Council Inc. p.2.

¹²⁷ Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 2.

¹²⁸ Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 3.

¹²⁹ Australian Institute of Architects, Public Submission.

¹³⁰ Mr Domazet, *Transcript of Evidence*, 10 October 2017, p. 82.

WCS holds concerns that dormitory residences are being created without the supporting social and recreational infrastructure for those residents.¹³¹

I see that Woden is becoming a dormitory suburb where people can live and sleep, but there is nothing for them to do there. There is absolutely no social amenity whatsoever within the region.¹³²

- 5.59 This loss of amenity was blamed by some submitters on redevelopment which had already taken over amenity without seeking to replace it or introduce additional facilities:

In fact amenity has been lost due to the redevelopment of parts of the town centre, such as the closure of the green areas around the Town Centre with the minimalist replacements of a small park with the realignment of Corinna Street and the upgrading of the stairs to the bus interchange.¹³³

There has been no significant development for social or recreational purposes that benefit the broader population.¹³⁴

We see an overwhelming desire to redevelop the area, particularly with regard to residential and commercial interests, but there is no social amenity that is being built alongside that residential building.¹³⁵

- 5.60 Despite the perception of reduced amenity in Woden Town Centre there was an optimism held by a key developer in the precinct who highlighted to the Committee what Woden did have to offer:

In Woden you have two of the strongest clubs in Canberra, being the Hellenic Club and Southern Cross Club, so you have that straight off the bat. You have the Woden hospital nearby, which is a big employment catchment but also an amenity for residents nearby. Woden plaza has stagnated. That is both a function of the office market, I suppose, but also of the ownership. But the ownership has just changed over, where half a share has been sold to a more active owner, and we are already seeing Westfield start to approach Bradley Street differently. If you do not know it, Bradley Street is quite an inactive street at the moment that the Hoyts opens up to. They have been able to turn that into an eat street, so instantly it is starting to turn that southern end of the town centre into something different to what it is today. Eddison Park is

¹³¹ Submission No. 6, Woden Community Service.

¹³² Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 2.

¹³³ Submission No. 6, Woden Community Service.

¹³⁴ Submission No. 6, Woden Community Service.

¹³⁵ Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 2.

quite a big park and I do not know how well irrigated it is or how well looked after it is, but it is a big open space. The skate park down on the corner of Launceston and Yamba is quite a good space.¹³⁶

But when you tick off the things that it has, as well as the really strong trades area to the south, it is quite a good hub and quite well connected by public transport as well. For me it has a lot of positive things; it has just come off its worst part of the life cycle.¹³⁷

COMMITTEE COMMENT

- 5.61 The Committee notes that the Woden Town Centre is in urgent need of urban renewal, Changing the Territory Plan is only part of the solution as many actions of the Master Plan need to be implemented in other ways – for example through investment by Government. The establishment of an Activation Team or similar, as has been done to support urban renewal in the City, would also speed up renewal of the Town Centre.
- 5.62 The Committee considers that Woden Town Centre would benefit strongly from an integrated urban renewal and activation process that combines the Territory Plan changes with investment and other activation and renewal activities.
- 5.63 The Committee considers that there is a broader problem in the ACT where buildings can sit abandoned for extended periods, awaiting redevelopment. This creates a safety problem and blights surrounding areas by driving customers away from businesses.

Recommendation 12

- 5.64 The Committee recommends that the ACT Government deliver a broad-based urban renewal process for Woden Town Centre that includes action on community facilities, recreation facilities, renewal of public areas and attraction of jobs to the Town Centre.**

¹³⁶ Mr Domazet, *Transcript of Evidence*, 10 October 2017, p. 81-82.

¹³⁷ Mr Domazet, *Transcript of Evidence*, 10 October 2017, p. 82.

Recommendation 13

- 5.65 The Committee recommends that ACT Government amend the Territory Plan and/or lease conditions to provide a mechanism to require building owners to ‘make safe’ or, where appropriate, demolish, buildings that have become unsafe.**

COMMUNITY FACILITIES

PUBLIC OPEN SPACE

- 5.66 Concerns were raised throughout the inquiry as to the perceived lack of public space in the Woden Town Centre, particularly compared to other parts of Canberra:

I just think there is no green space within the Woden town centre at all. Eddison Park and Phillip oval are the only two green spaces, I think, within the Woden town centre area generally. We have lost more parts of green space along the north walk. I think there is a great opportunity for revitalisation of the town centre outside the Westfield Plaza. That provides a great deal of amenity for people to use other than being drawn into the plaza or into the clubs for their activities. But there is a consistent loss of green space and amenity within that area. At least in Belconnen you have got Margaret Timpson Park. In Tuggeranong you have got the whole lake shore area around there and Greenway, and the same in Gungahlin. But there is no corresponding space, other than Eddison Park, in Woden.¹³⁸

- 5.67 Submitters also had concerns about the nature of the public space that already exists in the Woden Town Centre:

The WCCC considers that the overall vibrancy and feel of the Town Centre could be improved and this should be one of the foremost considerations when planning any new developments or improvements to the Town Centre. Currently, the general Centre precinct is stark, cold and dull and lacks vibrancy. There is a lack of landscaping, comfortable community meeting spaces, inviting outdoor areas with trees, foliage and flora, and play areas for children. The WCCC urges the ACT Government and developers to consider how the vibrancy of public spaces in the Town Centre can be improved.¹³⁹

- 5.68 In this context a number of submitters expressed concern about what they believe to be further reduction of this public space by the proposed rezoning of the urban open space near
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¹³⁸ Mr Redmond, *Transcript of Evidence*, 10 October, p. 6.

¹³⁹ Submission No. 16, Weston Creek Community Council.

Arabanoo Park, and by development being prioritised without the compensatory social amenities:

There has been a reduction of open green space in Woden with the loss of: the green courtyards in the Alexander and Albemarle building, Athllon Drive open space for densification, the proposed expansion of the cemetery into 3 hectares of Eddison Park and the pitch n putt is likely to be developed. It is a great concern to the WVCC that open space can be sold or rezoned without any plan for the community's requirements for open space. Aside from Eddison Park, there is now very little green open space in the Woden Town Centre and we note that the pocket park north of the library is zoned as CZ2 and could be developed.¹⁴⁰

I think we are seeing the loss of the green space, and corresponding amenity in the town centre again being lost to commercial and residential interests and no corresponding development of social amenity.¹⁴¹

The WVCC notes the significant loss of open green spaces in an ad hoc manner and without a plan for the requirements for open space in the future. Once open space is provided for other activities, for example, a development or a cemetery, it cannot be retrieved and reinstated as open space again.¹⁴²

5.69 In particular many submitters were concerned about the rezoning of public space near Arabanoo Park to a community facilities zone (CFZ), particularly as they felt many other blocks and carparks that could be utilised to provide such facilities instead of current green space:

Another disappointing outcome of the Variation is that public space from Arabanoo Park will be rezoned for community facilities CFZ. This was another LDA proposal some years ago that has been included in the variation. Why take open space from the park when there is ample space around Callam offices (Block 29 section 80) mainly carparks that could be used for more community facilities including more carparking spaces.¹⁴³

The WVCC does not support rezoning Woden Park/Arabanoo Park as the Town Centre is abundant with empty blocks and carparks that could be used for community facilities and the case to rezone this open space has not been made. Before any open spaces are rezoned, a review of the requirements for open space should be undertaken.¹⁴⁴

¹⁴⁰ Submission 9, Woden Valley Community Council Inc., p. 5.

¹⁴¹ Mr Redmond, *Transcript of Evidence*, 10 October, p. 5-6.

¹⁴² Submission No. 9, Woden Valley Community Council, p. 10.

¹⁴³ Submission 13, Martin Miller.

¹⁴⁴ Submission 9, Woden Valley Community Council Inc., p. 5.

With additional residential and commercial development in the town centre, public open 'green' space will be at a premium. Some of the many surface car parks could be used for community facilities.¹⁴⁵

- 5.70 In defence of the change in zoning to CFZ the Directorate indicated that they were responding to community feedback:

And if I could just add that during the master planning process we undertook surveys of the local community to understand what they wanted for their town centre, and 79 per cent of people were looking for additional community facility land in that location. The short answer is that this was in response to what we were hearing from the community during the development of the master plan. I guess what we are hearing is that perhaps there has been a change in the community, or certainly those representing the community, in relation to that particular parcel. But 79 per cent of those surveyed at the time were supportive of that change.¹⁴⁶

- 5.71 In response to a Question Taken on Notice the Directorate indicated that the community opinion on this change had been gleaned from a specific survey question that sought views on introducing community facilities to Town Park/Arabanoo Park:

The draft master plan proposes to introduce community facilities in the Town Park/Arabanoo Park to provide more activity in the park and to locate facilities close to public transport, cycle paths, shops and services. Do you support the proposal for community facilities in the Town Park/Arabanoo Park?

A total of 90 people responded to this question and were asked if they agree, are neutral or disagree with the proposal, with the following results:

Agree	71 respondents	(79%)
Neutral	14 respondents	(15.5%)
Disagree	5 respondents	(5.5%) ¹⁴⁷

- 5.72 The Directorate also indicated that they had sought opinion from Woden Community Service about the use of that space¹⁴⁸ and together with the data from the survey and other conversations regarding the low use of the park they included in the Master Plan a recommendation:

that community facilities be located in the Woden Town Park (Arabanoo Park), flanking the northern and southern ends of the park and retaining urban open space through

¹⁴⁵ Chris Erett, Public Submission.

¹⁴⁶ Mr Ponton, *Transcript of Evidence*, 18 October 2017, p. 98.

¹⁴⁷ Answer to Question Taken on Notice No. 3.

¹⁴⁸ Mr Riches, *Transcript of Evidence*, 18 October 2017 p. 110.

the middle of the block. The draft master plan recommended this location to encourage a greater use of the Woden Town Park and to better locate community facilities land closer to public transport, main shared paths, shops and services, and where short stay parking could be provided.¹⁴⁹

5.73 The Directorate indicated the possible uses for the site under the new zoning:

It is going to be rezoned a community facility zone, and that allows things like a community activity centre and child care, a place of worship—a variety of uses. Given the size and the location, it is to allow some sort of community uses there to help focus the community on that green space and have some community uses there. You have got the youth centre there currently, and then there has been merit development just north of that on the other side of the park in the variation.¹⁵⁰

5.74 However they noted during the inquiry that:

In relation to our ideas for what will go on the site, it is important to note, again, that the Territory Plan variation is about providing the framework for others to deliver. It is not for the planning system to necessarily identify what is the best use in terms of what the community needs; we provide the frameworks. We are hearing certain community services are needed. The master plan alluded to the types of activities the community was looking for, but the specific detail of that is for delivery by others.¹⁵¹

5.75 The Committee also heard that because of the new zoning to CFZ there would be the possibility that social or supportive housing would be established on the site:

Getting back to the draft Territory Plan variation briefly, that is the only reason why I suggested that we should not allow that change to community facility zoning. However, if the committee could recommend that there be no housing associated with that small piece of land, I think that would suffice in this period, because there is so little land for community facilities in the Woden town centre that to put social housing there is just going to take up a lot of scarce resources where there is a need to have more program-oriented community facilities.¹⁵²

5.76 In response to these concerns the Directorate indicated that:

In relation to the types of uses, that is certainly something that is open to this committee to make recommendations on if there is concern about—I am guessing—

¹⁴⁹ *Answer to Question Taken on Notice No. 3.*

¹⁵⁰ Ms Kaucz, *Transcript of Evidence*, 18 October 2017, p. 98.

¹⁵¹ Mr Ponton, *Transcript of Evidence*, 18 October 2017, p. 101.

¹⁵² Ms Pinkas, *Transcript of Evidence*, 10 October 2017, p. 36.

supportive housing and the like. We can certainly restrict the types of uses that are allowed within that zone for that location. That is certainly a possibility.¹⁵³

- 5.77 In terms of public space in the Woden Town Centre as a whole the Directorate indicated that there were a number of provisions that sought to improve as well as add to the amount of public space but they also noted that there was a focus on quality of over quantity:

A number of items occur in the variation. They include provisions to increase and improve open space and recreation. There are provisions for additional landscape areas within the town centre and rezoning of land for urban open space along the Athllon corridor. A Phillip precinct code puts controls in place to activate frontages in proximity to key community recreational uses within the town centre. There are additional provisions in the Phillip precinct code to regulate buildings at the interface of public places and spaces. That includes, of course, the solar access and passive surveillance and safety.¹⁵⁴

I think one of the things that the master plan is trying to do is to encourage people in and out of the areas and also, from a management perspective, not necessarily going to a very binary argument about the total area of open space but the quality of it.¹⁵⁵

COMMITTEE COMMENT

- 5.78 The draft variation allows for large-scale redevelopment of the Town Centre, and many thousands of additional people will call it home. It is also hoped that the number of workers will increase over time.
- 5.79 The Committee agrees with community concerns that the draft variation does not do enough to provide high-quality open space for these future residents and workers.
- 5.80 The Committee notes that while adjacent to the Woden Town Centre there is a large area of open space – Eddison Park and the Cemetery – its location puts it out of easy reach of many users of the Town Centre, and further the Cemetery is of limited recreational value.
- 5.81 The Committee is of the view that the loss of Arabanoo Park can be avoided without loss of space for community facilities, by relocating the proposed community facilities onto the adjacent Callam Offices site. If the Government does choose to continue with some rezoning of Arabanoo Park contrary to the Committee’s main recommendation, park land should not be

¹⁵³ Mr Ponton, *Transcript of Evidence*, 18 October 2017, p. 98.

¹⁵⁴ Minister Gentleman, *Transcript of Evidence*, 18 October 2017, p. 93.

¹⁵⁵ Ms Flanery, *Transcript of Evidence*, 18 October 2017 p. 110.

rezoned for commercial sale. Instead, the area rezoned should be reserved in the Territory Plan for public and 'community benefit' uses.

Recommendation 14

- 5.82 The Committee recommends that the ACT Government amend the draft variation to reduce the size of, or cancel, the proposed rezoning of land in Arabanoo Park to Community Facilities Zone (CFZ), with planning protections put in place to ensure land is reserved on the Callam Offices site (Section 80) for an equivalent set of community facilities.**

Recommendation 15

The Committee recommends that the ACT Government amend the draft variation so that if any land in Arabanoo Park is rezoned to Community Facilities Zone (CFZ) it is only used for the following uses as outlined in the Territory Plan and any other use listed under the CFZ zone is not deemed appropriate for this site.

- **Child care centre;**
- **Community activity centre;**
- **Community theatre;**
- **Cultural facility;**
- **Indoor Recreation;**
- **Outdoor recreation; or**
- **Parkland.**

Recommendation 16

- 5.83 The Committee recommends that the ACT Government amend the draft variation to rezone the existing pocket park on Furzer Street (section 181) to Urban Open Space (PRZ1) to ensure it is protected as open space for the long term.**

Recommendation 17

- 5.84 The Committee recommends that the ACT Government amend the draft variation to rezone the 'Landscape Area' along Matilda Street (Section 7), as shown in Figure 3 of the draft**

variation, to Urban Open Space (PRZ1) to ensure it is protected as open space for the long term.

ACTIVE AREAS

EAST-WEST PEDESTRIAN LINK

- 5.85 There was particular concern about the change in focus from an east-west pedestrian link through the town square, which would serve to make it the 'place for the community to meet and socialise', to an increased focus on Bradley Street and Corinna Street as the active area.

Although the vision in the master plan provides for the town square to be the place for the community to meet and socialise, this concept appears to be diminished, with the precinct code including 28-storey buildings that will overshadow the town square and reduce place-making in the area. Consultation for stage 2 of light rail will also overlook the east-west pedestrian spine by locating the station south of the bus interchange.¹⁵⁶

Westfield has moved the activity down here to Bradley Street, to where Hoyts was. We did originally have a theatre in the town square, in the Cosmopolitan building. That has now closed since Westfield opened Hoyts down here and Westfield is developing this area, Bradley Street, as the active area. It does not align with the master plan.¹⁵⁷

The draft Precinct Code needs to identify where the focal point for community activity will be so that activity is not scattered across all active frontages with no focal area of vibrancy.¹⁵⁸

- 5.86 A number of other submitters also had concerns about the effect of the proposed building heights on the town square and the east-west spine:

All of us who have made these submissions are trying to ensure that that east-west continuum focusing on the town centre is revitalised. That is not going to be achieved by those really high, sheer cliffs on the edge of it. It is just not going to happen.¹⁵⁹

The draft Precinct code provides for 28 storey buildings around the Town Square which will make it difficult for the Square to become 'attractive' and 'comfortable' for the community. The overshadowing is likely to continue the current situation of people

¹⁵⁶ Fiona Carrick, *Transcript of Evidence*, 10 October 2017, p. 20.

¹⁵⁷ Fiona Carrick, *Transcript of Evidence*, 10 October 2017, p. 17.

¹⁵⁸ Submission No. 9, Woden Valley Community Council Inc. p. 6.

¹⁵⁹ Ms Pinkas, *Transcript of Evidence*, 10 October 2017, p. 43.

moving through the square and not stopping, leading to a continuation of the lack of activity in the square.¹⁶⁰

- 5.87 The Directorate maintained that the east-west spine, as articulated in the master plan was still a focus:

the master plan certainly does identify the importance of the east-west connection. You referred to the park. As Mr Riches said earlier, the east-west connection and the identification of that site for community facilities land, in terms of where people might want to go to, is clearly identified within the master plan. I need to remind the committee again that the master plan has a role. The Territory Plan variation, or the Territory Plan, has a role. But then in terms of delivery of infrastructure, there are other parts of government and the private sector that need to deliver. The master plan sets the framework. It is the enabler. Certainly the east-west connection is very clearly identified in the master plan.¹⁶¹

- 5.88 Within this plan, the Directorate agreed that a main focal point for the Woden Town Centre was the town square:

I think it is safe to say that the town square is an important area for Woden. We certainly heard that during the master planning process and also through this planning process. It is also located centrally to the town centre, so I cannot see that there would be any other answer than to say that it is the town centre.¹⁶²

- 5.89 However the Directorate also acknowledged that the town centre was not the only site identified as an active pedestrian precinct:

The master plan identified three sites for this type of increased activity, the town square being one, the site that you have identified [Bradley Street] being another and Corinna Street being the other. I guess what we are saying is that we were listening to the community, what they wanted. From a planning perspective it is important to make sure that we provide opportunities for people to utilise these spaces. I think the critical thing here is—the minister has touched on this—that for these areas to succeed we need people. The master plan, and therefore the Territory Plan variation, is looking at opportunities to facilitate getting people into the town centre, whether that be residential—people living in the town centre itself—or providing good connections to get people from outside the centre into the centre so that the town square can be successful, Corinna Street can be successful and Bradley Street can be successful.¹⁶³

¹⁶⁰ Submission No. 9, Woden Valley Community Council Inc. p. 6.

¹⁶¹ Mr Ponton, *Transcript of Evidence*, 18 October 2017, p. 111-112.

¹⁶² Mr Ponton, *Transcript of Evidence*, 18 October 2017, p.110.

¹⁶³ Mr Ponton, *Transcript of Evidence*, 18 October 2017, p. 112-113.

Recommendation 18

- 5.90 The Committee recommends that the ACT Government improves pedestrian connections and wayfinding between the town centre and Eddison Park.**

PROVIDING AMENITY

- 5.91 From the evidence provided to the Committee it was clear that submitters, whether they be individual, community groups or developers 'want a vibrant town centre and one that has a wonderful amenity for people to live and work in and enjoy themselves...'¹⁶⁴

- 5.92 It was of note that both Weston Creek Community Council and Woden Valley Community Council identified that the amenity provided by the Woden Town Centre and Philip Precinct was not:

just about the people in the high-rise towers. We need these community facilities for the 35,000 people around Woden and for the 30,000 people that will be in Weston Creek.¹⁶⁵

- 5.93 The Woden Community Council also identified that:

if there isn't a balance between commercial and social/recreational amenity people will not be attracted to the town centre without the express purpose to shop in the plaza or work in remaining office blocks, which will mean that the object of the plan to revitalise the town centre for people will not be achieved.¹⁶⁶

- 5.94 In order to attract people into Woden Town Centre it was suggested to the Committee that:

Co-location of community facilities and services in a highly accessible Town Centre will contribute towards diverse and active precincts.¹⁶⁷

- 5.95 The idea of an entertainment precinct was proposed as a way of enabling the community to meet in a comfortable environment:

An alternative site for an entertainment precinct should be identified for the community to meet in a comfortable environment. The WVCC recommends that the car park between the Hellenic Club and the bus interchange be designated as an entertainment precinct, where music (noise) is allowed, and should be included in the draft Variation. Development of residential buildings in this area should be subject to

¹⁶⁴ Mr Mackay, *Transcript of Evidence*, 10 October 2017, p. 74-75.

¹⁶⁵ Fiona Carrick, *Transcript of Evidence*, 10 October 2017, p. 21.

¹⁶⁶ Submission No. 6, Woden Community Service.

¹⁶⁷ Submission No. 9, Woden Valley Community Council Inc. p. 7.

the noise attenuation requirements contained in the multi-unit housing development code.¹⁶⁸

5.96 It was also suggested that there needed to be:

opportunities for free/low cost activities that attract people into the centre, such as community arts/low cost public entertainment/busking/street art/pop up cafes, urban play/exploration children areas within the built environment. Greater access linkages for pedestrians to spaces, such as Edison Park would assist people interacting with the space in more than an employment or consumer interface.¹⁶⁹

5.97 Whilst it was acknowledged that whilst the creation of amenity is not 'solely the government's responsibility', submitters suggest to the Committee that:

there is a requirement of government to put some sort of obligation back on to developers to create social amenity in the communities that they say they are developing.¹⁷⁰

There should be requirements on developers to create social amenity other than just the commercial and residential space that they are building.¹⁷¹

SOCIAL, CULTURAL, EDUCATION AND RECREATIONAL FACILITIES

5.98 In terms of publically funded facilities like pools, indoor sport centres, higher education facilities and art centres it was suggested that Woden was missing out when compared to other parts of Canberra:

If you were to overlay all the publicly funded facilities around Canberra you would find that most are on the north side, there are some in Tuggeranong, but there is a great dearth in Woden and Weston.¹⁷²

There are a whole range of community facilities that Woden people have been wanting for years. Tuggeranong has two arts centres. Belconnen has them. Fiona went through them before. It is space for these community activity centres where the community can bond, get together, share ideas and whatever else they wish to do.¹⁷³

¹⁶⁸ Submission No. 9, Woden Valley Community Council Inc. p. 6-7.

¹⁶⁹ Submission No. 6, Woden Community Service.

¹⁷⁰ Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 10.

¹⁷¹ Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 10.

¹⁷² Fiona Carrick, *Transcript of Evidence*, 10 October 2017, p. 18-19.

¹⁷³ Ms Pinkas, *Transcript of Evidence*, 10 October 2017, p. 46.

5.99 In their submission to the public consultation process for the draft variation the Australian Institute of Architects (AIA) shared this perspective and advocated for change:

In comparison to other districts and their Town Centre's in the ACT, community focus has, in the past, not been strongly supported within Woden. A vibrancy and purpose could be reintroduced into the Valley by the future provision of core facilities that could include an art gallery, community hall, better defined market precinct, and more family focused public facilities.¹⁷⁴

5.100 Whilst it was again acknowledged that it is not the government's sole responsibility to provide social amenity the consensus was that:

community facilities and sporting facilities that do not make money should be provided by the government. Our examples are: a community arts centre— it is not going to make money—and a CIT, which does not make money. It is subsidised by the ACT government to the tune of 75 per cent. A municipal swimming pool does not make money. They are subsidised by the ACT government. A multipurpose sports hall does not make money and is subsidised by the ACT government. In relation to these four facilities that do not make money, we are saying that is what we pay our rates for and the ACT government should provide those facilities that do not make money. Outside of that, in relation to the facilities that the private sector can make a profit from off the community, the private sector should provide those ones.¹⁷⁵

5.101 With these considerations in mind the Woden Valley Community Council advocated for:

stakeholders work together to identify sites for social and cultural facilities, including a community/arts centre, a CIT, a multi-purpose sports hall, a public pool, a cycle network and open green spaces to include in the Precinct Code. These assets are not commercial in nature and are unlikely to be provided by the private sector. Investment by the ACT Government in these assets will create activity and provide confidence in Woden, facilitating investment by the private sector.¹⁷⁶

WODEN COMMUNITY SERVICE FACILITIES

5.102 Woden Community Service (WCS) described itself s as a service provider who

provide services across the service types in the ACT, not the least of which is a suite of mental health services that we provide across the ACT, housing support services and the service access model through the gateway, through OneLink, which is serving the whole of the ACT. We employ over 300 staff. We have a turnover of \$18 million a year

¹⁷⁴ Australian Institute of Architects, Public Submission.

¹⁷⁵ Fiona Carrick, *Transcript of Evidence*, 10 October 2017, p. 19.

¹⁷⁶ Submission No. 9, Woden Valley Community Council Inc.

and we engage at least 100 volunteers a year. We provide services to over 6,000 people a year in the ACT, if not more.¹⁷⁷

5.103 Throughout the inquiry the Committee was informed that there was a significant need for new accommodation for WCS and its associated operations. The need to relocate services has resulted in a decentralised operation that ‘is putting increased pressure on our client facing operations.’¹⁷⁸

5.104 WCS said that they now have operations at 26 Corinna Street, the Youth Centre, Launceston Street and Callam Offices.¹⁷⁹

5.105 WCS identified that they needed a ‘client-facing space’ which is ‘accessible to people to be able to walk in and to access.’¹⁸⁰ They also identified that it would preferable to develop a community service hub accommodating a range of services to create a better integrated service response for people across a diverse service range.¹⁸¹

5.106 Despite the difficulties facing WCS they acknowledged that ‘the ACT government has a commitment to try to find a building for Woden Community Service’ however they also emphasised the need for ‘greater social amenity within the Woden Valley area.’¹⁸²

5.107 In response to a Question Taken on Notice the Directorate indicated that there had been a feasibility study into a Woden/Weston Creek Community Hub undertaken in 2013 by Colin Stewart Architecture and another undertaken in 2016 by AMC Architecture.¹⁸³

5.108 The AMC Architecture study was completed in July 2016. It investigated the ‘feasibility and design options’ for a Community Hub in Woden. It looked a two options:¹⁸⁴

- Refurbishment, adaptive reuse and development of the Callam Office Building; and
- Adaptive reuse of the Cosmopolitan Building.

5.109 AMC Architecture’s assessment concluded that a Woden Community Hub be developed in the Callam Offices. They presented two options which sought to provide accommodation for the required community facilities within heritage and other constraints; one of which identified the potential for adjacent residential accommodation.¹⁸⁵

¹⁷⁷ Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 4-5.

¹⁷⁸ Submission No. 6, Woden Community Service.

¹⁷⁹ Submission No. 6, Woden Community Service.

¹⁸⁰ Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 6.

¹⁸¹ Submission No. 6, Woden Community Service

¹⁸² Mr Redmond, *Transcript of Evidence*, 10 October 2017, p. 4-5.

¹⁸³ *Answer to Question Taken on Notice No. 2.*

¹⁸⁴ AMC Architecture, Woden Community Hub, Feasibility and Design Study, July 2016.

¹⁸⁵ AMC Architecture, Woden Community Hub, Feasibility and Design Study, July 2016.

5.110 The AMC Architecture study also noted the need for improved accessibility to this section of Woden as well as the need to 'reposition' Callam Offices in the Woden area whilst being mindful of heritage considerations.¹⁸⁶

5.111 There is yet to be any determination regarding the establishment or location of a Community Hub for the Woden/Weston area.

COMMITTEE COMMENT

5.112 The Committee noted that the AMC Architecture report was not available prior to or at the hearings, which were conducted as part of this inquiry, and as such restricted discussion in relation to the future of WCS and the development of community facilities in the Woden Town Centres, as a Community Hub or otherwise.

Recommendation 19

5.113 The Committee recommends that the ACT Government create greater capacity for social, educational, recreational and cultural facilities in Woden, in order to prevent it from becoming a dormitory suburb.

Recommendation 20

5.114 The Committee recommends that the ACT Government develop and fund a long-term plan for community and recreation facilities in Woden Town Centre, incorporating a Community Hub.

Recommendation 21

5.115 The Committee recommends that the ACT Government amend the draft variation to reserve a large, flexible site in Woden suitable for future community, tertiary education or recreation uses such as an indoor sports hall or CIT facility.

¹⁸⁶ AMC Architecture, Woden Community Hub, Feasibility and Design Study, July 2016.

Recommendation 22

5.116 The Committee recommends that the ACT Government, as part of the long-term plan for community and recreation facilities referred to in Recommendation 20, consider the AMC Architecture report into community facilities for the Woden Town Centre.

Recommendation 23

5.117 The Committee recommends that the ACT Government amend the draft variation to identify one or more entertainment precincts in Woden Town Centre, suitable for night-time use, that are protected from noise-sensitive land uses.

SITE SPECIFIC ISSUES

ICE RINK / POOL

5.118 The Phillip ice rink and pool facility in Irving Street, Phillip was once an ACT Government owned public pool which was privately operated by a tenant on the site until 2008 when the tenant, Glencora Pty Ltd were granted a 99yr lease.¹⁸⁷

5.119 Although there is support for the retention of the Phillip Swimming Pool and Ice Skating Centre there is acceptance that the future pool and ice rink facilities in the Woden Town Centre is a difficult issue, particularly with the restrictions placed upon the current site; the residential developments nearby which have private pools; the development of a new pool at Stromlo; the feasibility study into a new ice rink for the ACT and the pending multipurpose indoor sports facility feasibility study.¹⁸⁸

5.120 The restrictions placed on the site under R8 of the draft variation require that any development:

complies with all of the following:

- a) provides or retains an ice skating rink suitable for national ice hockey competition
- b) provides or retains a 50–metre public pool with direct public address to Irvine Street

¹⁸⁷ Submission No. 13, Martin Miller.

¹⁸⁸ Submission No. 16 Weston Creek Community Council; Ms Pinkas, 10 October 2017, p.13; Submission No. 13, Martin Miller.

c) development for other uses involves redevelopment of the pool as an indoor facility.¹⁸⁹

5.121 The owners of the site, currently referred to as Block 2 Section 22, have indicated that with the facility nearing the end of its life they have two options, one of which will contravene the proposed conditions in the draft variation and require future requests to vary the Territory Plan in relation to the site. The two options were explained to the Committee as follows:

The minimal development scenario looked to relocate the pool and the ice-skating rink, although still not an international standard, on the available site that was left such that you could keep the pool and ice-skating rink operational, keeping the business viable and simply moving it over the day that it was completed. The other end of the spectrum was, in the spirit of what might be community car park area to the east of the site, to look at an international ice-skating rink on that car park. That might be elevated on top of car parking to retain car parking as a community asset for a sports precinct. That would still retain a 50-metre swimming pool but allow a larger development to make such a thing viable.¹⁹⁰

The key consideration in looking at the two master plan scenarios was that Trilog, being to the north, overshadows the site substantially and there is simply no choice but for a new pool to be an indoor swimming pool from a privacy perspective and also from a solar access perspective.¹⁹¹

5.122 The Directorate indicated that there were crown lease requirements to maintain a pool on the site in question and implied that the owner would have:

purchased the property knowing what the obligations were. If it were the case that they wanted to provide a pool elsewhere in order to allow redevelopment of that site, then, yes, they would need to come to government with their proposition. But I am not aware that that has occurred, certainly not to my directorate.¹⁹²

5.123 Evidence to the Committee suggested that a major swimming facility/indoor leisure centre is needed in Woden¹⁹³ however there is no indication when or where this will occur, particularly as a feasibility study has not yet been completed.

¹⁸⁹ Attachment B, Draft Variation 344 Woden Town Centre – recommended version, July 2017, p. 4.
http://www.planning.act.gov.au/_data/assets/pdf_file/0006/1088574/DV344-Woden-Town-Centre-recommended-version.pdf

¹⁹⁰ Mr MacCallum, *Transcript of Evidence*, 10 October 2017, p. 53.

¹⁹¹ Mr MacCallum, *Transcript of Evidence*, 10 October 2017, p. 53.

¹⁹² Mr Ponton, *Transcript of Evidence*, 18 October 2017, p.107.

¹⁹³ Ms Pinkas, *Transcript of Evidence*, 10 October 2017, p. 38.

5.124 In relation to the ice rink the Directorate, in response to a Question taken on Notice, advised the Committee that:

Active Canberra has commenced scoping and consultation activities for a new ice sports facility in Canberra. A consultant has been engaged and is currently investigating what a new facility would need to incorporate to be financially viable and of use to the ice-sports community.

This piece of work will look to determine how big the rink (or rinks) would need to be, the size of the parcel of land that may be required to accommodate such a facility, how much parking would be needed to support it, what kind of capital cost is involved and potential operating costs.

There are number of complex issues and interdependencies to be carefully considered as part of this project, such as the Territory's capacity to sustain two ice facilities and Territory Plan requirements on the existing site.

Any new ice facility, should government funding be provided, will need to appropriately consider the impact on the current ice skating facility in Phillip, including relative to the current zoning and lease purpose clause applicable to that site.¹⁹⁴

Recommendation 24

5.125 The Committee recommends that ACT Government ensures that the lessees of the Phillip Pool are kept updated on the ACT Government's work towards a new ice rink facility for the ACT.

Recommendation 25

5.126 The Committee recommends that the ACT Government works with the lessees of Phillip Pool on alternative wording for proposed R8 that achieves the same or better facilities but provides greater development flexibility, for example allowing the lessees to provide the facilities on other sites within the Woden Town Centre.

SUPERMARKET

5.127 There was a mixed response to the changes made between the previous and current versions of the draft variation in relation to the proposed floor size for a supermarket within Section 81, Block 13.

¹⁹⁴ Answer to Question Taken on Notice No. 5.

5.128 The current Territory Plan stipulates a floor size of 200m²; the draft variation that went out for public consultation proposed a floor area of 1500m² whilst the current recommended draft variation proposed a floor area of 500m².

5.129 The Directorate explained to the Committee why the latter change had occurred:

The variation that went out for consultation had it at 1,500. Then we received submissions that that was going to be too large and would have an impact on the town centre and the commercial retail hub in the centre. The aim of the supermarket there was to meet the needs of the local community on that side of Woden. So it was reduced in size for that reason. That was in response to submissions but not in consultation with the lessee of the block.¹⁹⁵

5.130 In response to a Questions Taken on Notice the Directorate informed the Committee that the population of the area to be serviced by the supermarket was also considered:

In this respect, the estimated maximum potential population of Woden East which would likely utilise a shop in the proposed location is approximately 2,700 - 3,000. Advice I have received from the Directorate is that the ACT supermarket floorspace demand based on this maximum population would be between 500m² and 1,000m². As the town centre is in close proximity, it is considered reasonable that the lower end of the range be considered for this area. A 500m² supermarket as proposed in the draft variation would provide for day to day grocery needs of the local residents, while not impacting on the patronage to the full line supermarkets within the town centre.¹⁹⁶

5.131 The WCCC indicated their support for the change to 500m² as it would avoid direct competition with the major retail area of Woden. They claimed that:

A small convenience store would enable residents to acquire smaller day-to-day essentials while still encouraging the use of the facilities inside Woden Plaza for more substantial shopping. It is important that Woden Plaza remains a viable shopping hub for the Woden and Weston Creek regions.¹⁹⁷

5.132 However, Hindmarsh Development, who are seeking to develop the site indicated their aim was to create a mixed use precinct and were disappointed with the lack of consultation in relation to the change to 500m²:

We wanted to create a master plan environment, a mixed use precinct. It is obviously going to be close to the new train line. It is about creating a destination and adding retail. Originally we had discussions around 1,500 square metres retail being available

¹⁹⁵ Ms Kaucz, *Transcript of Evidence*, 18 October 2017, p. 92.

¹⁹⁶ *Answer to Question Taken on Notice No. 4.*

¹⁹⁷ Submission No16, Weston Creek Community Council.

for a supermarket. In the most recent TPV, without any consultation, that was cut to 500 square metres.¹⁹⁸

5.133 In undertaking their own queries about the reduction in floor space, Hindmarsh Development indicated that they:

have only uncovered the objection from the Scentre Group....By allowing a small piece of shopping competition within the immediate area, it will have a direct impact on amenity for the following reasons: - More choice for consumers; - A new facility; - Well placed with the future light rail; - Existing residents and occupants in Woden Green will not have to cross Callam Street to meet their daily shopping needs, thereby removing potential short distance car traffic and pedestrians; and - It will allow people working in the town centre, who chose to park at the future public carparking can do their shopping where their car park is. All of these reasons will place competitive pressure on Scentre to respond and improve its facilities so that the impact on its trade is minimised.¹⁹⁹

5.134 The Scentre public submission referred to by Hindmarsh Development was submitted as part of the public consultation process undertaken by the Directorate in relation to the draft variation. In their submission they expressed concerns in relation to

- to the lack of consultation for the change;
- a perception that the change seemed to benefit only the landholder;
- the possibility that a supermarket >1500m² could be developed under the rules and criteria;
- the possibility it would contravene established retail hierarchy;
- that it would represent a significant departure from the objectives of the CZ2 zoning;
- that there had been no traffic, social or economic impact assessment on surrounding areas;
- the lack of justification for the need for such a supermarket with 400m of an established town centre is not justified; and
- the fact it was not identified in the master plan.²⁰⁰

¹⁹⁸ Mr Hindmarsh, *Transcript of Evidence*, 10 October 2017, p. 66.

¹⁹⁹ Submission No. 11, Hindmarsh Development.

²⁰⁰ Scentre Group, Public Submission.

Recommendation 26

5.135 The Committee recommends that the ACT Government works with Hindmarsh Development and Scentre Group on alternative wording for proposed R3 to allow a supermarket on Block 13, Section 18 with a floor plate size that is commercially viable and adequately services the residents of the area.

FARMERS/PRODUCE MARKET

5.136 In their evidence to the Committee Knight Frank proposed the establishment of a farmers/produce market in blocks 50 and 52 of section 8, Phillip, and particularly along the north walk, which is identified as block 77 of section 8, Phillip. As the current Territory Plan does not permit such activity in this zone Knight Frank requested that an amendment to the Phillip precinct code be considered that would 'enable the opportunity for a produce market as a permissible use'.²⁰¹

That amendment would enable the opportunity for a weekend farmer's market on the site, and particularly along the north walk²⁰²... we believe that the addition of the produce market would help to enliven and add vibrancy to that precinct and encourage pedestrian movement through that locality.²⁰³

5.137 In response to queries about this possibility the Directorate indicated in their evidence to the Committee that:

Because it was not a suggestion raised in the master plan process or in the variation process, it was not added. I suppose for further work in the future we can have a look at that use, but it is a use under the Territory Plan.²⁰⁴

COMMITTEE COMMENT

5.138 The Committee thanks Knight Frank and its client for its suggestion for a produce market. The Committee believes that this suggestion could apply more broadly to the key pedestrian areas of the Woden Town Centre and their adjacent leased blocks.

²⁰¹ Mr Oshyer, *Transcript of Evidence*, 10 October 2017, p. 78.

²⁰² Mr Oshyer, *Transcript of Evidence*, 10 October 2017, p. 77

²⁰³ Mr Oshyer, *Transcript of Evidence*, 10 October 2017, p. 78.

²⁰⁴ Ms Flanery, *Transcript of Evidence*, 18 October 2017, p. 107.

Recommendation 27

5.139 The Committee recommends that the ACT Government amend the draft variation to add ‘produce market’ as an allowable land use for Woden Town Square; the ‘Pedestrian Spine’, as indicated in Figure 3 of the draft variation; the east-west pedestrian link, as indicated in the Woden Town Centre Master Plan 2004; and adjacent blocks.

OTHER

5.140 In addition to the matters discussed above the following concerns were raised by planners and developers in relation to their specific sites.

BUILT FORM

5.141 Knight Frank referred to concerns about two criterion that dealt with built form, in particular setbacks on buildings of 10 storeys or greater. They indicated that the wording as proposed would impact upon their development options. They contended that:

the mandating of building setbacks is not justified on sound design or town planning grounds and will create a built form that departs from the existing 10 or more storey buildings that are located in the Woden Town Centre. It is not necessary to have the middle of the building setback from the building base to reduce apparent bulk and scale, provide visual separation from the podium, or provide an attractive and interesting built form that fronts on to the street.²⁰⁵ ... [However], it is agreed that the requirement for a podium level, that creates a sense of human scale and deflects down draughts, and a building top section that is designed to screen plant and services and creates an integrated and appropriate conclusion to the built form should still apply.²⁰⁶

5.142 Knight Frank recommended that the wording for criterion C18, and in particular c), should be slightly modified. They indicated the

The criteria normally allow for some consideration of merit. But using the term “consistent” could be read to imply that you actually have to match that in order to obtain that consistency. What we would suggest is that in order to remedy that you replace the word “consistent” with “compatible”. That would then enable some broader consideration of the setback without mandating that you would have to achieve like for like.²⁰⁷

²⁰⁵ Submission No. 8, Knight Frank..

²⁰⁶ Submission No. 8, Knight Frank.

²⁰⁷ Mr Oshyer, *Transcript of Evidence*, 10 October 2017, p. 78.

5.143 They also recommended that the wording of the criterion C19 also be revised to enable minor departures from setbacks at not only ground level and above 12 storeys but also in the middle part of the building. They requested that the criteria should 'permit development to be considered on its merit without mandating that the middle of the building is set back.'²⁰⁸

HEIGHT RESTRICTION

5.144 Mr Mackay indicated to the Committee that in regards to Block 4 Section 79, that the current height restriction of six storeys, which is applied to his site only, does:

not provide us with the flexibility to position height where it is most appropriately located relative to site constraints, to provide for a transition of scale either across the site, or across this highly prominent part of the town centre, or to respond to opportunities for transport orientated design presented by proximity to light rail.²⁰⁹

5.145 Mr Mackay in his evidence to the Committee highlighted that the developments alongside his site are going to be between 12 and 16 storeys in height and that:

particularly on that corner, the northern entrance, that the drop down to six levels may not be ideal. It is certainly not ideal for us in terms of a development opportunity, but also from a visual entrance point of view going immediately from 12 and 16 down to six levels may not be an ideal development outcome as well for the community.²¹⁰

5.146 Mr Mackay proposed that C9 be amended:

through the deletion of the note, thereby providing the opportunity to develop to 10 storeys in height where Criteria C9 is met. This amendment would only affect our block, and would not, in principle, distort the height hierarchy bearing in mind surrounding approved and proposed development, and provide the opportunity to transition down to five storeys adjacent to Launceston Street.²¹¹

ZONING

5.147 Junstamp Pty Ltd in their submission to the Committee sought to have

the land use zoning in DV 344 for Block 1 Section 12, and other adjacent community sites if necessary, should be Commercial-Business CZ2. Community Use is a permitted activity in a CZ2 zone and the existing community uses would not be under threat provided the site(s) remains in existing government ownership.²¹²

²⁰⁸ Mr Oshyer, *Transcript of Evidence*, 10 October 2017, p. 78.

²⁰⁹ Canberra Southern Cross Club, Public Submission.

²¹⁰ Mr Mackay, *Transcript of Evidence*, 10 October 2017, p. 73.

²¹¹ Canberra Southern Cross Club, Public Submission.

²¹² Submission No. 10, Junstamp Pty Ltd.

5.148 They indicated that there:

are no other real opportunities to allow that community facility to have a proper street frontage. We have done some preliminary work to demonstrate how that might work, including new community facilities within the new development, but really the first step would be to allow for more than just community use on that site.²¹³

Recommendation 28

5.149 The Committee recommends that if the ACT Government chooses to pursue the proposal put forward by Junstamp Pty Ltd, they do so through a separate variation process, following completion of broader planning for a Woden Community Hub.

PATH LOCATION

5.150 Hindmarsh Development highlighted an issue in relation to a footpath associated with their Woden Green development. This footpath is currently approved for relocation as part of an Estate Development Plan for the site yet the draft variation indicates it cannot be moved.²¹⁴

5.151 In their submission Hindmarsh Development indicated that ‘retention of the current path is not possible in the current location’²¹⁵ and expressed a need for a change to the draft variation in this area so that the site can be developed in accordance with the approve plan.²¹⁶

RESTRICTION IN SQUARE METERAGE

5.152 Hindmarsh Development also expressed concerns about the tower floor plate limitation of 700m² that had been applied to two of their sites, Block 13, Section 81 and Section 156, Block 9. They indicated that this restriction alongside the implied ‘single tower’ restriction on land that was sold to them ‘with no restrictions’ was ‘incredibly odd, especially considering these restrictions were not in the original draft variation DV344.’²¹⁷

5.153 In their submission and evidence to the Committee they indicated they were ‘aware that any planning outcome must be merit based and be sympathetic to its surroundings,’²¹⁸ however they expressed serious concerns about the lack of consultation and the extent of the new planning controls:

²¹³ Mr Millman, *Transcript of Evidence*, 10 October 2017, p. 62-63.

²¹⁴ Submission No. 11, Hindmarsh; Mr Hindmarsh, 10 October 2017, p. 66-67.

²¹⁵ Submission No. 11, Hindmarsh Development.

²¹⁶ Submission No. 11, Hindmarsh Development; Mr Hindmarsh, 10 October 2017, p. 66-67.

²¹⁷ Mr Hindmarsh, *Transcript of Evidence*, 10 October 2017, p. 68.

²¹⁸ Submission No. 11, Hindmarsh Development.

these artificial controls go much further, seriously damaging the site and the ability to create mixed use developments that will revitalise Woden.²¹⁹

these constraints were not added to any other site in Woden under this TPV. There will be overshadowing issues created with sites such as the marker building status, given under Criteria 11 on the Tradies site. We do not believe all land owners are being much further, seriously damaging the treated equally...These new controls severely impact the value of this land.²²⁰

- 5.154 Hindmarsh in highlighting the content of the original draft variation requested that original conditions, as stipulated in the draft variation that went out for public consultation, be retained (aside from the previously mention path issue) and that the 700m² cap and reference to a single tower be removed from the current draft variation.²²¹

YARRALUMLA CREEK / WETLANDS

- 5.155 Yarralumla Creek is the key sub catchment in the Woden district. It is currently a constructed channel that extends to Mawson. The areas surrounding it are prone to flooding which has potential impacts on the environment, development activity and design and the route of transport corridors.

- 5.156 The Australian Institute of Architects (AIA) suggested during the public consultation for the draft variation that:

Yarralumla Creek has the potential to include an ecological wetland precinct, and the Valley could benefit from more identifiable an easy to use pedestrian connections between both Centre's and other open spaces such as Eddison Park. These inclusions will attract residents, and provide much needed environments for workers and visitors.²²²

- 5.157 It was suggested that such a precinct, as has been developed in Lyneham, could provide 'social as well as environmental opportunities.'²²³

- 5.158 In developing the draft variation the Directorate indicated that the concept of wetlands or a pond as a flood mitigation measure for Yarralumla Creek had not been discounted:

²¹⁹ Submission No. 11, Hindmarsh Development.

²²⁰ Submission No. 11, Hindmarsh Development.

²²¹ Submission No. 11, Hindmarsh Development; Mr Hindmarsh, 10 October 2017, p. 67.

²²² Australian Institute of Architects, Public Submission.

²²³ Ms Pinkas, *Transcript of Evidence*, 10 October 2017, p. 47.

The work on the master plan identified where that rezoning could be changed from the existing. That was to coordinate the works with the wetlands, which were being worked out as part of the basin priority project. The site for the wetland—I apologise if you cannot see this; this is from the master plan, page 96—was to occur around that area, around the middle section. The rezoning was about bringing the development closer to the Woden town centre—closer to the Mawson group centre—and allowing for that wetland to occur along Athllon.²²⁴

5.159 The Directorate indicated that the wetlands are part of the Mawson draft variation (DV345) and there was nothing in the current draft variation (DV344) that would prevent the development of the wetlands as part of the healthy waterways project.²²⁵

In light of the other variation that Ms Kaucz referred to, which is where the main wetlands would occur, there is nothing in this variation that would preclude that from being undertaken under the current planning scheme.²²⁶

5.160 Following on from what was described as a ‘lost opportunity’ to place the ponds at Woden Green, Ms Pinkas and Mr Erett advocated for caution and deemed that ‘the time to be implementing those changes is now, before development, rather than thinking about it afterwards.’²²⁷ It is:

essential to first undertake the proposed water retention plans and works prior to releasing land for development. We would not want to have to lose yet another opportunity to naturalise the creek by insufficient land being available at the Athlon Drive end of the valley...²²⁸

TRANSPORT

LIGHT RAIL

5.161 Reference was made during the inquiry to the future light rail transport corridor that would be coming through Woden Town Centre, however, no information was forthcoming as to a likely route:

It is a very exciting time for Canberra, with light rail coming in, I think, and the announcement of stage 2 has been even more exciting. In regard to the finesse in

²²⁴ Mr Riches, *Transcript of Evidence*, 18 October 2017, p. 95.

²²⁵ Minister Gentleman, *Transcript of Evidence*, 18 October 2017 p. 94.

²²⁶ Mr Riches, *Transcript of Evidence*, 18 October 2017, p. 96.

²²⁷ Mr Erett, *Transcript of Evidence*, 10 October 2017, p. 47.

²²⁸ Submission 14, Gina Pinkas.

engineering on how it enters Woden, as you have indicated, the transport corridor has been kept in place over the years, which is good. It allows us to facilitate light rail to the beginning of Woden, on the northern side, but then it is an engineering process to identify how light rail will then go through the town centre. Some of that work is beginning now. I understand that some surveying work has already been done along some of the corridor.²²⁹

We continue to work closely with our colleagues in Transport Canberra and City Services, but, given where they are at in terms of developing the project, the government is yet to make a final decision in relation to the detail of light rail.²³⁰

5.162 Mr Erett was particularly concerned about why rezoning activity was taking place in and around potential light rail transport corridors when no decision had been made:

In relation to one specific land use change, the draft variation proposes rezoning part of the Athllon Drive corridor. A portion of this precinct has been zoned as transport since Woden's inception to allow for the future development of rapid transit. With the proposed stage 2 of light rail being planned to Woden, I suggest it is premature if not irresponsible to be rezoning this land at this time before planning has been done for further extensions to Tuggeranong. Alignment options for the future extension of the light rail to Mawson and beyond are constrained by Yarralumla Creek and the narrowness of the Athllon Drive median strip between Hindmarsh Drive and Mawson Drive, which would not facilitate light rail down the middle of the road. For this reason any consideration of the rezoning of the Athllon Drive transport corridor should be deferred until the light rail extension has been constructed to Mawson or at least until after detailed alignment planning has been completed.²³¹

5.163 In this context it was acknowledged by the Directorate that future variations to the Territory Plan could be needed:

It would be important for us to make sure that we come back and review this work and whether or not there are any further variations required to facilitate any decisions of government in the future in relation to light rail. We would certainly be looking to do that and provide advice. But I think it is really a time issue.²³²

²²⁹ Minister Gentleman, *Transcript of Evidence*, 18 October 2017, p. 97.

²³⁰ Mr Ponton, *Transcript of Evidence*, 18 October 2017, p. 97.

²³¹ Mr Erett, *Transcript of Evidence*, 10 October 2017, p.40.

²³² Mr Ponton, *Transcript of Evidence*, 18 October 2017, p. 97.

It is perhaps pre-emptive for us to make changes in the Territory Plan variation process, but we note that there are places that make the route more logical than others.²³³

5.164 Irrespective of what option would be taken by government as to the light rail transport corridor through Woden, evidence provided to the Committee reiterated the need for integrated land use and transport planning:

Development of the business case for light rail stage 2 provides the opportunity to integrate transport and land use planning. It is vital that the community understands where stations will be, how densification will occur, how precincts will be connected and where community facilities, open spaces and entertainment areas will be.²³⁴

COMMITTEE COMMENT

5.165 The Committee notes that as it will be at least one year before Territory Plan variation(s) associated with Light Rail Stage 2 are underway, development in the Woden Town Centre during this time needs to protect the light rail alignment and provide options for excellent connectivity.

Recommendation 29

5.166 The Committee recommends that the ACT Government amend the draft variation as soon as practicable to recognise the light rail route and possible stops and to protect bus, cycle, walking and Park and Ride connections to light rail; and update these elements through a project specific draft variation as Light Rail Stage 2 proceeds.

ACTIVE TRAVEL

5.167 Evidence provided to the Committee indicated that many submitters believed that the draft variation did not strongly promote active travel principles that had been forecasted in the Master Plan and which had been supported by a number of community groups.²³⁵

The Master Plan identified major routes (shared paths, shared zones, separated cycle ways and on-road cycle lanes) to rectify this failing and make walking and cycling to the major destinations convenient and safe...Only in one instance does DV344 set out a

²³³ Ms Flanery, *Transcript of Evidence*, 18 October 2017, p. 97.

²³⁴ Submission No. 9, Woden Valley Community Council Inc.

²³⁵ Woden Valley Community Council Inc., Woden Community Service; Pedal Power ACT.

"shared active travel path" to be reserved, i.e. the rezoned land to the south of Hindmarsh Dr. This is an important reservation.²³⁶

5.168 The Directorate explained that such aspects of the Master Plan did not need to be 'a line item or a rule or criteria in the draft variation if that work would already occur in that location.'²³⁷

To put it into the statutory planning document was not deemed necessary because it does not require a development application to be assessed as it is often exempt development. For that reason we do not have it in the Territory Plan. It does not need the weight of the Territory Plan to put it into place.²³⁸

5.169 Despite this assurance there was concern that future development could encroach onto bikeways and other pedestrian links:

A cycle network is not defined in the draft Precinct Code and any alignment required for a cycle network in Woden is at risk of being built out by a developer. The cycle network should be identified in the draft Precinct Code in order to provide active transport and confidence in the development of the cycle networks in Woden.²³⁹

5.170 And there was also confusion about why one section of 'shared active travel path' south of Hindmarsh Drive could be included in the draft variation and not any others:

...if it can be done for this tiny part of the Woden Town Centre, it should be possible to do it for the other parts of the Centre...A precedent exists for reserving walking and cycling network plans. Such a network plan already exists in the Gungahlin Precinct Code. Accordingly, technical arguments that it cannot be done should be discounted.²⁴⁰

5.171 This view was shared by Ms Carrick in her evidence to the Committee:

Why, in the precinct code for Woden, is a cycle network on Athllon Drive identified? If you want to, you can identify them. They have identified one for Athllon Drive. This is in the Woden town centre. This bit here is not identified. They want to develop Athllon Drive. There is a bit of cycle network identified just here.²⁴¹

5.172 Pedal Power advocated for inclusion of the Woden Town Centre Master Plan Active Travel Network in the draft variation:

²³⁶ Submission No. 3, Pedal Power ACT Inc.

²³⁷ Mr Ponton, *Transcript of Evidence*, 18 October 2017, p. 94-95.

²³⁸ Ms Kaucz, *Transcript of Evidence*, 18 October 2017, p. 93-94.

²³⁹ Submission No. 9, Woden Valley Community Council Inc., .p. 9.

²⁴⁰ Submission No. 3, Pedal Power ACT Inc.

²⁴¹ Ms Carrick, *Transcript of Evidence*, 10 October 2017, p. 23.

The cycling community (represented by Pedal Power's 7,300 members) calls for changes to DV344 to rectify this major failing and embrace the active travel recommendations of the master plan in a comprehensive way.²⁴²

COMMITTEE COMMENT

- 5.173 The Committee notes that the ACT Government indicated that it was not necessary to include the trunk walking and cycling network in the Territory Plan as it is not provided by developers. The Committee does not agree with this view, particularly as the verge adjacent to development sites, including any shared path, is often re-constructed by developers during development of an adjacent building.
- 5.174 Further, the Committee is of the view that including the path network in the Territory Plan, as has occurred with the current Gungahlin Town Centre Precinct Code, will ensure that the alignment required is protected as the Woden Town Centre is redeveloped.

Recommendation 30

- 5.175 The Committee recommends that the ACT Government include the proposed trunk walking and cycling network in the draft variation and associated precinct code.**

Recommendation 31

- 5.176 The Committee recommends that the ACT Government amend the draft variation to include the missing walking and cycling connections across Melrose Drive, between Athllon Drive and Hindmarsh Drive.**

²⁴² Submission No. 3, Pedal Power ACT Inc.

6 CONCLUSION

- 6.1 The Committee has made 31 recommendations.
- 6.2 The Committee would like to reiterate its thanks to the Minister, officials and submitters who contributed their time and effort to this inquiry.

Caroline Le Couteur MLA

Chair

7 December 2017

Appendix A Submissions

- Submission 01 - Bruce Paine
- Submission 02 - Richard Bush
- Submission 03 - Pedal Power ACT Inc
- Submission 04- Canberra Southern Cross Club
- Submission 05 - Sheelagh Egan
- Submission 06 - Woden Community Service
- Submission 07 - Noel Boniface
- Submission 08 - Knight Frank
- Submission 09 - Part 1 - Woden Valley Community Council Inc
- Submission 09 - Part 2 - Woden Valley Community Council Inc
- Submission 10 - Junstamp Inc
- Submission 11 - Hindmarsh Development
- Submission 12 - Chris Erett
- Submission 13 - Martin Miller
- Submission 14 - Georgina Pinkas
- Submission 15 - Archana Boniface
- Submission 16 - Weston Creek Community Council
- Submission 17 - Ian Elsum
- Submission 18 - Canberra Town Planning

Appendix B Witnesses

10 October 2017

- Chris Redmond, Woden Community Council
- Fiona Carrick (WVCC)
- Martin Miller (WVCC)
- Gina Pinkas
- Chris Erett
- Phillip Pool Lessee
 - Wayne Houghton – Glencora Pty Ltd
 - John Raut – Glencora Pty Ltd
 - Alastair MacCallum – AMC Architecture Pty Ltd
 - Pieter Van Der Walt – Canberra Town Planning
- Junstamp Pty Ltd
 - Chris Millman – Cox Architecture
- Hindmarsh Development
 - Rowan Hindmarsh - Hindmarsh
 - Steve Laffey - Hindmarsh
 - Pieter Van Der Walt – Canberra Town Planning
- Canberra Southern Cross Club
 - Ian Mackay
- Knight Frank
 - Aaron Oshyer
 - Jure Domazet

18 October 2017

- Mr Mick Gentleman MLA, Minister for Planning and Land Management
- Mr Ben Ponton, Director-General, EPSDD
- Ms Fleur Flanery, Executive Director, Planning Policy, EPSDD
- Ms Alix Kaucz, Senior Manager, Territory Plan Section, EPSDD

Appendix C Questions Taken on Notice and Questions on Notice

Questions Taken on Notice

Standing Committee on Planning and Urban Renewal
Questions Taken on Notice – 18 October 2017

No	Hearing Date	Asked By	Directorate / Portfolio	Subject
1	18 October 2017	Ms Lawder MLA	EPSDD	Survey Respondents
2	18 October 2017	Ms Le Couteur MLA	EPSDD	AMC and Feasibility Study
3	18 October 2017	Ms Cheyne MLA	EPSDD	Community Engagement
4	18 October 2017	Mr Milligan MLA	EPSDD	Square Meterage for a supermarket
5	18 October 2017	Ms Le Couteur MLA	EPSDD	Investment into Ice Hockey Rink

Questions on Notice

Standing Committee on Planning and Urban Renewal
Questions on Notice – 18 October 2017

No	Hearing Date	Asked By	Directorate / Portfolio	Subject
1	18 October 2017	Ms Le Couteur MLA	EPSDD	Issues raised by Hindmarsh
2	18 October 2017	Ms Le Couteur MLA	EPSDD	Solar Access to the Town Square
3	18 October 2017	Ms Le Couteur MLA	EPSDD	After-hours activity in Town Centre