

DRAFT VARIATION TO THE TERRITORY PLAN NO 329: WESTON  
GROUP CENTRE AND SURROUNDING COMMUNITY AND  
LEISURE AND ACCOMMODATION LANDS: ZONE CHANGES AND  
AMENDMENTS TO THE WESTON PRECINCT MAP AND CODE

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL

FEBRUARY 2018

REPORT 4



DRAFT VARIATION TO THE TERRITORY PLAN NO 329: WESTON GROUP  
CENTRE AND SURROUNDING COMMUNITY AND LEISURE AND  
ACCOMMODATION LANDS: ZONE CHANGES AND AMENDMENTS TO THE  
WESTON PRECINCT MAP AND CODE

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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.<sup>1</sup>

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.<sup>2</sup>

## 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 No 329: Weston Group Centre and Surrounding Community and Leisure and Accommodation Lands: Zone changes and amendments to the Weston Precinct map and code* to the Standing Committee on Planning and Urban Renewal on 28 August 2017.

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

<sup>2</sup> 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
GFA	Gross Floor Area
MTxx	Merit Track
PRZ1	Urban Open Space
Rxx	Rule
RL	Reduced Level
RZ2	Residential Zone – Suburban Core
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 329 be approved.

### RECOMMENDATION 2

**3.33** 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, an explanatory note or clear definition is provided as to what the surveyor measurement means.

### RECOMMENDATION 3

**3.34** The Committee recommends that Rule 35 of the Draft Variation is amended to include height limits specified in both storeys and metres.

### RECOMMENDATION 4

**3.35** The Committee recommends that where a draft variation to the Territory Plan proposes to amend a code, a 'side-by-side' comparison of the existing 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 5

**3.36** The Committee recommends that the ACT Government finalises the development of territory plan draft variations, as soon as possible, following completion of the relevant master plan.

### RECOMMENDATION 6

**3.37** The Committee recommends that the ACT Government meet with Weston Creek Community Council to discuss issues raised in their submission.

### RECOMMENDATION 7

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

### RECOMMENDATION 8

**4.10** The Committee recommends that the ACT Government provide a clear and accessible 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.

**RECOMMENDATION 9**

**5.33** The Committee recommends that the ACT Government implement the proposed height limits for buildings as detailed in the Draft Variation.

**RECOMMENDATION 10**

**5.44** The Committee recommends that the ACT Government deliver a new Weston Creek Community Centre, including a community hall, prior to the sale of the current community centre site.

**RECOMMENDATION 11**

**5.51** The Committee recommends that the ACT Government ensure that the number of publicly accessible car parking spaces are maintained during and after any development activity on the current car parking areas situated at Section 88 and Section 84.

# 1 INTRODUCTION

## CONDUCT OF THE INQUIRY

- 1.1 On 28 August 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 No 329: Weston Group Centre and Surrounding Community and Leisure and Accommodation Lands: Zone changes and amendments to the Weston 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 5 September 2017 as well as directly emailing those who had provided submissions to the EPSDD public consultation process and others who may be affected by the Draft Variation. The Committee received three submissions and a list of these is provided at Appendix A.
- 1.3 The Committee held one public hearing and heard from eight 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 two questions taken on notice at the public hearing. A list of these questions is provided at 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/inquiry-into-draft-variation-to-the-territory-plan-no-329-weston-group-centre-and-surrounding-community-and-leisure-and-accommodation-lands-zone-changes-and-amendments-to-the-weston-precinct-map-and-code>

## ACKNOWLEDGEMENTS

- 1.5 The Committee would like to thank the Minister for Planning and Land Management and officials from the EPSDD for their time appearing before the Committee and responding to its questions.
- 1.6 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.<sup>3</sup> It establishes the National Capital Authority, one of the functions of which is to prepare and administer a National Capital Plan.<sup>4</sup> The objective of the National Capital Plan is to ensure that Canberra and the Territory are planned and developed in accordance with their national significance<sup>5</sup>.
- 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.<sup>6</sup> These requirements were incorporated into the *Interim Planning Act 1990* (ACT)<sup>7</sup> and subsequently, with expanded environmental assessment and heritage provisions, into the *Land (Planning and Environment) Act 1991* (ACT).<sup>8</sup>
- 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)<sup>9</sup>, which includes the provision for the Planning and Land Authority,<sup>10</sup> and the Territory Plan<sup>11</sup>.
- 2.5 The Territory Plan commenced operation on 31 March 2008 and provides the policy framework for the administration of planning in the ACT:

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

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

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

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

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

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

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

<sup>10</sup> *Planning and Development Act 2007*, section 10.

<sup>11</sup> *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.<sup>12</sup>

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.<sup>13</sup>

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.<sup>14</sup>

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.<sup>15</sup>

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.<sup>16</sup>

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<sup>12</sup> *Planning and Development Act 2007*, section 48.

<sup>13</sup> *Planning and Development Act 2007*, section 50.

<sup>14</sup> *Planning and Development Act 2007*, section 49.

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

<sup>16</sup> *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,<sup>17</sup> to an appropriate committee of the ACT Legislative Assembly (the Assembly) for consideration and reporting.<sup>18</sup>
- 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;<sup>19</sup> has decided not to report<sup>20</sup> 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.<sup>21</sup>
- 2.13 The Minister must take any recommendation of the committee into account before making his decision in relation to the draft plan variation.<sup>22</sup> If the Minister approves it, the proposed plan variation and associated documents will be presented to the Assembly.<sup>23</sup> 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.<sup>24</sup>

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<sup>17</sup> 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/>.

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

<sup>19</sup> *Planning and Development Act 2007*, section 74.

<sup>20</sup> *Planning and Development Act 2007*, section 73A.

<sup>21</sup> *Planning and Development Act 2007*, section 75.

<sup>22</sup> *Planning and Development Act 2007*, subsection 76(3).

<sup>23</sup> *Planning and Development Act 2007*, section 79.

<sup>24</sup> *Planning and Development Act 2007*, section 83.



## 3 THE DRAFT VARIATION

3.1 The Draft Variation to the Territory Plan 329 Weston Group Centre (Draft Variation) seeks to vary the Territory Plan in the direction of the Weston Group Centre Master Plan (Master Plan). It proposes changes to zones within the Weston Group Centre and Surrounding Community and Leisure and Accommodation Lands and amendments to the Weston Precinct Map and Code that:

- Permit the development of identified areas to improve development potential and diversity of development with the centre;
- Encourage the redevelopment of selected existing areas through moderate increases in building heights;
- Define the desired future built form for the centre;
- Nominate active frontages and pedestrian routes to improve pedestrian activity, amenity and safety in the public spaces; and
- Restrict the uses on the proposed community facility zoned land to protect the amenity of the neighbouring residents in accordance with the Environment Protection Authority recommendations.<sup>25</sup>

3.2 The Draft Variation does not have interim effect.<sup>26</sup>

### THE SITES

3.3 Weston Group Centre services the Weston Creek catchment area, and will serve as the centre for the new suburbs in Molonglo until the Molonglo Commercial Centre is developed.<sup>27</sup>

3.4 The area affected is located 3km west of Woden Town Centre and 10km from the city centre. The site is generally bounded by Hindmarsh Drive to the south, Streeton Drive to the west,

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<sup>25</sup> Draft Variation 329 Weston Group Centre and surrounding community and leisure and accommodation lands- Public Consultation version, January 2015, p.8.

<sup>26</sup> Draft Variation 329 Weston Group Centre and surrounding community and leisure and accommodation lands- Recommended version, August 2017, p. 6.  
[http://www.planning.act.gov.au/\\_data/assets/pdf\\_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf](http://www.planning.act.gov.au/_data/assets/pdf_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf)

<sup>27</sup> Draft Variation 329 Weston Group Centre and surrounding community and leisure and accommodation lands- Recommended version, August 2017, p. 2.  
[http://www.planning.act.gov.au/\\_data/assets/pdf\\_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf](http://www.planning.act.gov.au/_data/assets/pdf_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf)

Namatjira Drive to the north, and public open space to the east, except for a portion of community facility land located between Namatjira Drive and Hilder Street to the north.<sup>28</sup>

- 3.5 The commercial group centre is predominately two storey commercial development with a small portion of two storey residential development in the north western corner facing Namatjira Drive. The surrounding community facility land and entertainment, accommodation and leisure land also covered by this proposal is predominately single storey development.
- 3.6 The area covered by the Draft Variation is within urban areas identified in the National Capital Plan.
- 3.7 The following Territory map zones currently apply to the Draft Variation:
- Commercial Core – CZ1 Core
  - Commercial Service Trades – CZ3 Services
  - Residential Land – RZ1 Suburban
  - Parks and Recreation – PRZ1 Urban Open Space
  - Community Facility Land – CFZ Community Facility
- 3.8 In addition to general codes which may apply the following codes currently apply to this area under the Territory Plan:
- Commercial Zones development code;
  - Weston precinct map and code;
  - Community Facility Zones development code;
  - Parks and Recreation development code.

## CHANGES TO THE TERRITORY PLAN MAP

- 3.9 Land in the ACT is divided into sections and blocks.
- 3.10 Planning ‘zones’ are applied to land and the zoning determines what kind of development is allowed on the land.
- 3.11 As illustrated in Figure 1 and Figure 2 the Draft Variation would make changes to the existing Territory Plan Map, including:

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<sup>28</sup> Draft Variation 329 Weston Group Centre and surrounding community and leisure and accommodation lands- Recommended version, August 2017, p. 2.  
[http://www.planning.act.gov.au/\\_data/assets/pdf\\_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf](http://www.planning.act.gov.au/_data/assets/pdf_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf)

- an area of PRZ1 open space and CFZ community facility zone between the existing CZ1 commercial core zone and the stormwater channel to the east will be rezoned CZ1;
- an area of PRZ1 open space at the corner of Brierly Street and Parkinson Street will be rezoned to CFZ community facility zone; and
- a portion of CFZ community facility zone between the existing CFZ community zone, the existing CZ1 commercial core and the stormwater channel will be rezoned PRZ1 open space.<sup>29</sup>

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<sup>29</sup> Draft Variation 329 Weston Group Centre and surrounding community and leisure and accommodation lands- Public Consultation version, January 2015, p. 7.

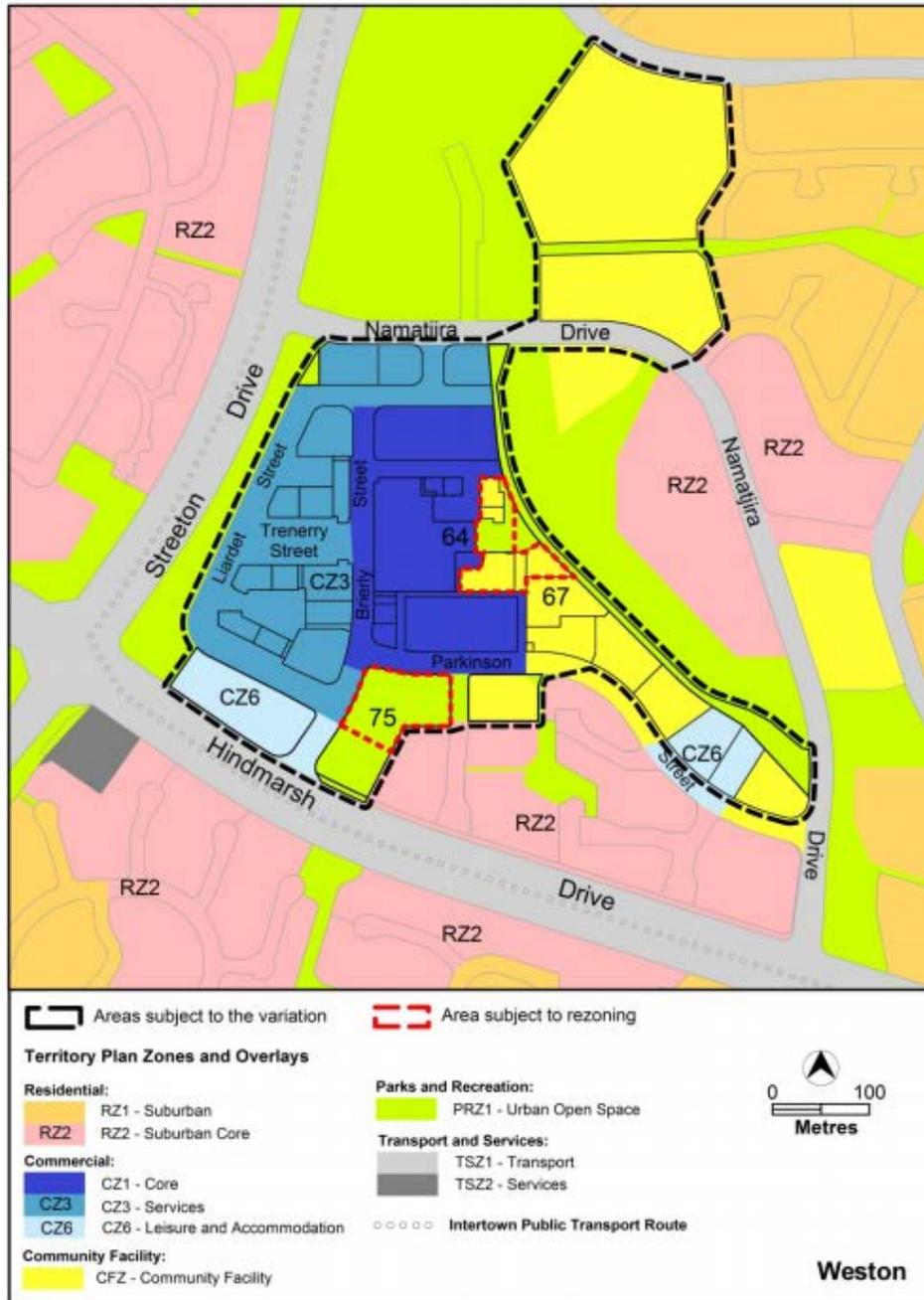


FIGURE 1 – Current Territory Plan Map

DRAFT VARIATION TO THE TERRITORY PLAN NO 329: WESTON 11  
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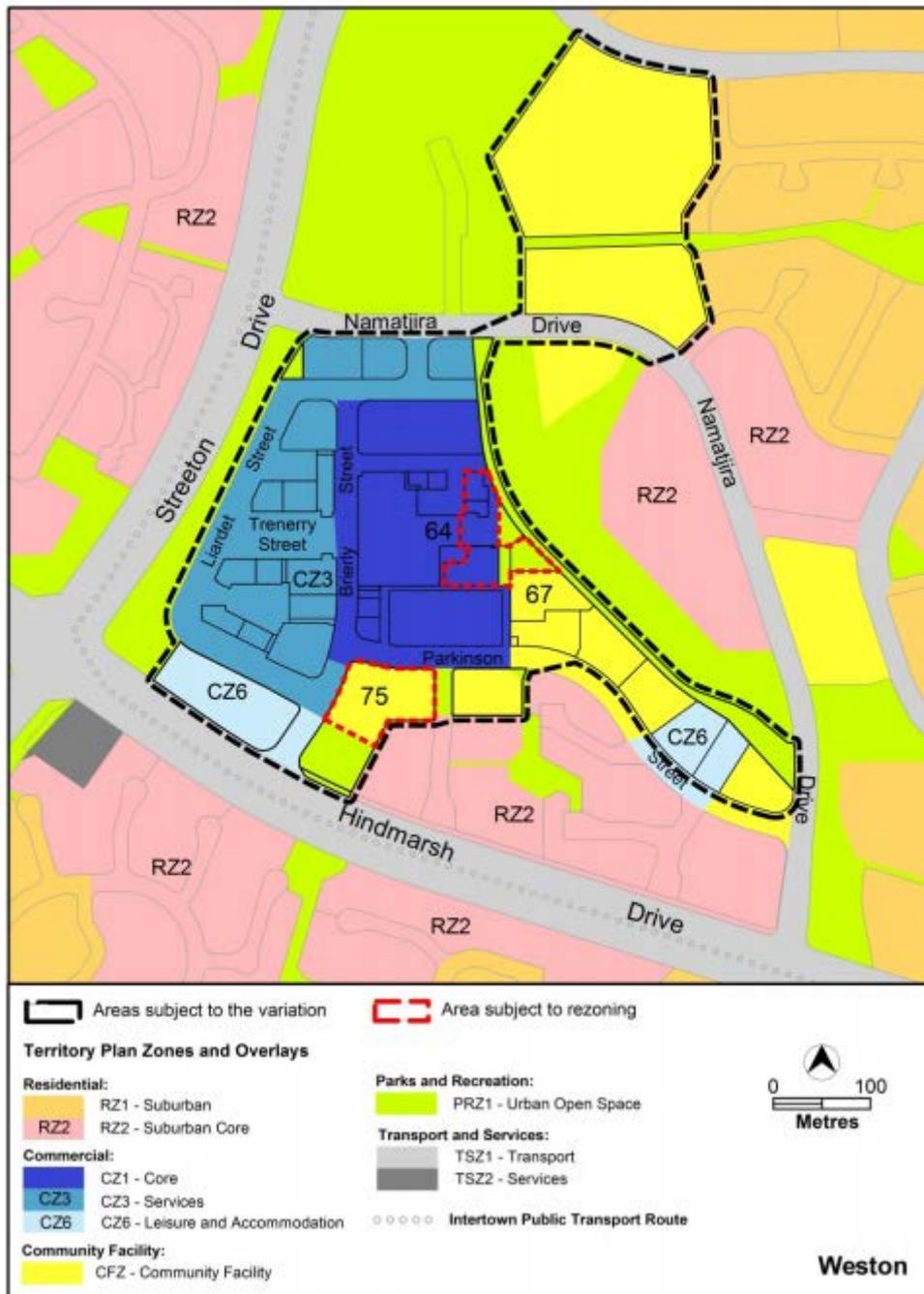


FIGURE 2 – Proposed Territory Plan Map

## CHANGES TO THE TERRITORY PLAN

### AMENDMENTS TO THE WESTON PRECINCT MAP

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

3.13 As illustrated in Figure 3 and Figure 4, the Draft Variation would make changes to the existing Weston Precinct Map, including:

- Extending the MT1 areas to the east to incorporate new CZ1 areas
- Add the RC2 area to control development on community facilities and leisure and accommodation site; and
- Add a prohibited development areas PD1 over block 2 section 75 located at the corner of Brierly Street and Parkinson Street, to prohibit community activity centre, community theatre and indoor recreation facility on this site in accordance with Environment Protection Authority requirements.<sup>30</sup>

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<sup>30</sup> Draft Variation 329 Weston Group Centre and surrounding community and leisure and accommodation lands- Public Consultation version, January 2015, p. 7.

DRAFT VARIATION TO THE TERRITORY PLAN NO 329: WESTON 13  
 GROUP CENTRE AND SURROUNDING COMMUNITY AND LEISURE AND  
 ACCOMMODATION LANDS: ZONE CHANGES AND AMENDMENTS TO  
 THE WESTON PRECINCT MAP AND CODE

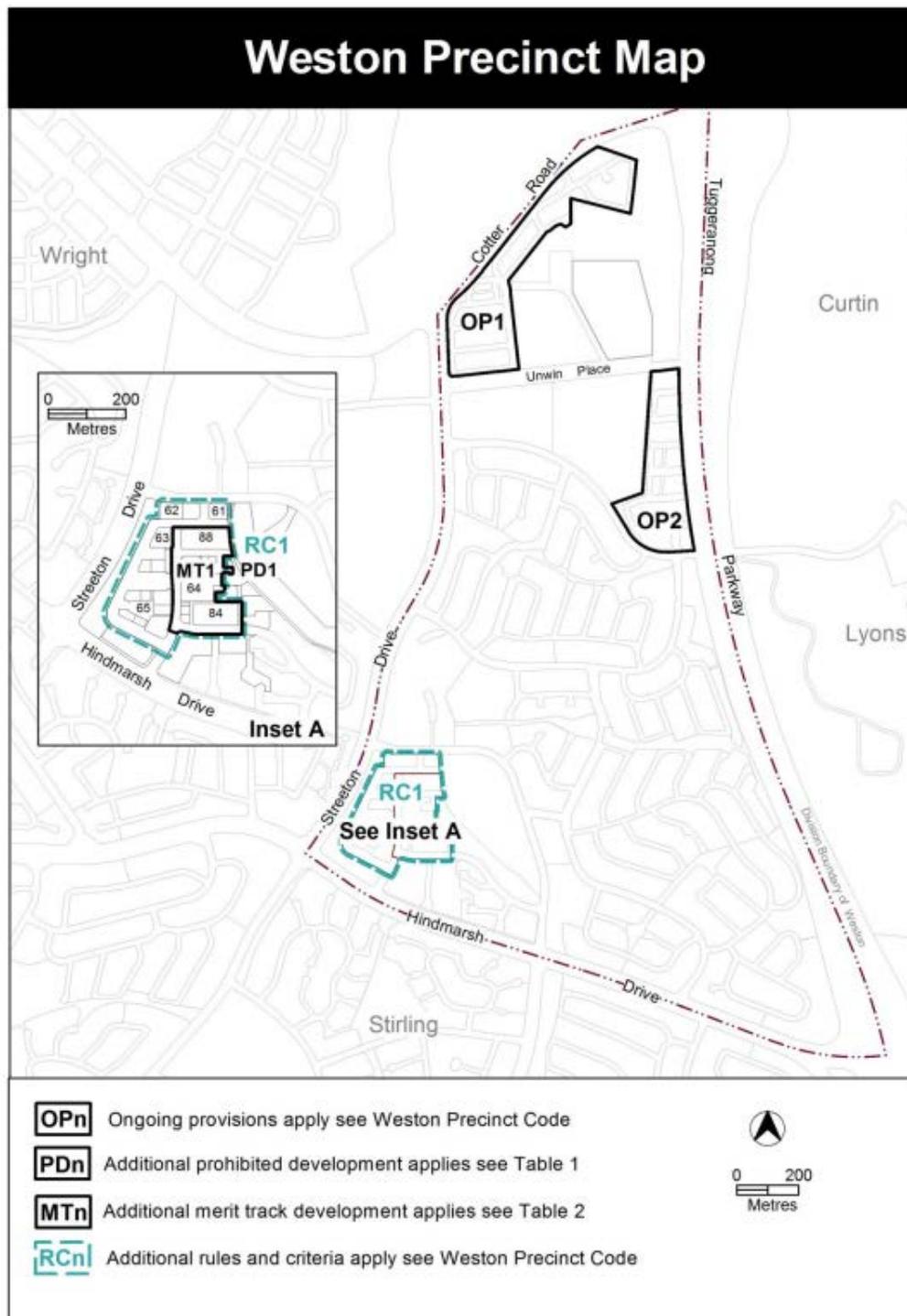


FIGURE 3 – Current Weston Precinct Map

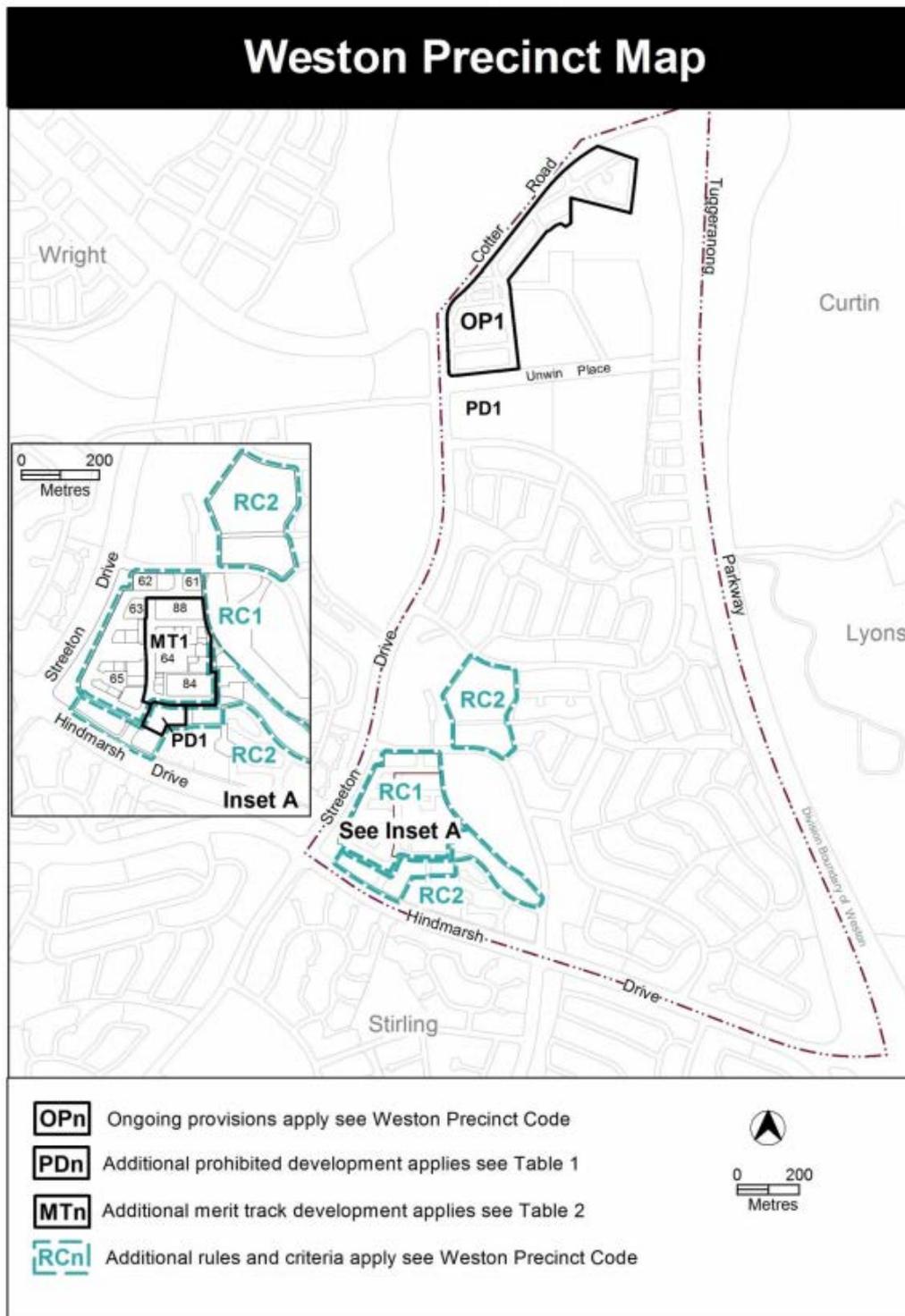


FIGURE 4 – Proposed Weston Precinct Map

## AMENDMENTS TO THE WESTON PRECINCT CODE

- 3.14 As outlined in the Territory Plan, Suburb Precinct Codes provide additional planning, design and environmental controls for individual blocks and may also contain references to provisions in other codes.
- 3.15 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.
- 3.16 The Draft Variation would make changes to the existing Weston precinct code including:
- Identify maximum building heights, setbacks and active frontages on selected sites within the group centre, on the CZ6 zoned land, and on selected CFZ community facility zoned sites;
  - Provide pedestrian access and awning provisions in selected areas;
  - Ensure reasonable solar access to dwellings and public spaces is retained; and
  - Introduce new provisions covering development of the existing car parks north and south of the centre.<sup>31</sup>

## CONSULTATION BY ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE

- 3.17 The Directorate released the Draft Variation for public comment on 30 January 2015. The closing date for comment was 16 March 2015.
- 3.18 The Directorate received nine written submissions from local residents, community organisations, business owners and lessees.
- 3.19 The key issues of public concern included:
- concerns around rezoning and potential development on the open space area located at the corner of Brierly Street and Parkinson Street (block 2 section 75) and resulting impacts on surrounding neighbours through overshadowing, noise, safety and traffic generation, as well as loss of open space;

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<sup>31</sup> Draft Variation 329 Weston Group Centre and surrounding community and leisure and accommodation lands- Public Consultation version, January 2015, p. 7.  
[http://www.planning.act.gov.au/\\_data/assets/pdf\\_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf](http://www.planning.act.gov.au/_data/assets/pdf_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf)

- the location of a future community hall;
- potential impact on the hierarchy of centres through increasing retail use in Weston affecting the viability of Woden town centre;
- increase in building heights within the centre; and
- potential for additional rezonings within the centre.<sup>32</sup>

3.20 In response to public comments, changes were made to the exhibited version of the Draft Variation. These included:

- In response to concerns regarding the potential impact of development on section 75 through over shadowing and overlooking, the height of development on the site has been reduced to a maximum of two storeys;
- In addition, further review of the potential development on the proposed community facility zoned land in section 75 identified that the blanket prohibition of *community activity centre* would prohibit a number of low impact community uses, which was not the intention of the provision. In response, *community activity centre* limited to *public health, welfare or information services* has been included as a permitted use on the site.<sup>33</sup>

This change is considered to be appropriate to include at this stage as it enables a low impact use that would provide extensive benefit to the community as a whole and is similar to other permitted community uses such as health facility while retaining the prohibition on potentially disruptive uses;

- the prohibition on utility infrastructure such as water boosters for fire fighting needs and electricity substations which may require quick and easy access in times of emergency being located along primary active frontages has been replaced with a requirement that where they are required to be located along a primary frontage they be minimised or screened from public view; and
- there have also been a number of minor amendments to improve clarity or to correct errors found in the draft variation, which have no material effect on the intent of the variation.<sup>34</sup>

3.21 The Directorate's report on the consultation was made available on their website.<sup>35</sup>

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<sup>32</sup> Draft Variation 329 Weston Group Centre and surrounding community and leisure and accommodation lands- Recommended version, August 2017, p. 5. [http://www.planning.act.gov.au/\\_data/assets/pdf\\_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf](http://www.planning.act.gov.au/_data/assets/pdf_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf)

<sup>33</sup> Environment Protection Authority (EPA), who initially requested the prohibition on community activity centre, has endorsed the proposed change as it will not detrimentally impact on the amenity of surrounding area. The uses with the potential to impact on the surrounding area such as community hall remain prohibited - Draft Variation 329 Weston Group Centre and surrounding community and leisure and accommodation lands- Recommended version, August 2017, p. 6. [http://www.planning.act.gov.au/\\_data/assets/pdf\\_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf](http://www.planning.act.gov.au/_data/assets/pdf_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf)

<sup>34</sup> Draft Variation 329 Weston Group Centre and surrounding community and leisure and accommodation lands- Recommended version, August 2017, p. 6. [http://www.planning.act.gov.au/\\_data/assets/pdf\\_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf](http://www.planning.act.gov.au/_data/assets/pdf_file/0005/1097609/Attachment-B-Draft-variation-recommended-to-the-Minister-DV329-A13726976.pdf)

## COMMENTS ON CONSULTATION

3.22 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.

3.23 This sentiment was articulated by Mr Kwiatowski in his submission to the public consultation process:

...could someone please explain the changes proposed for Weston Group Centre in plain English for me? The attached documents are too hard for those already not deeply absorbed in the arcane details of the ACT planning system to follow.

Its like you're deliberately trying to limit submissions from the public by making the documentation unnecessarily complicated. This is true of all Territory Plan variation notices – not just the Weston one.<sup>36</sup>

3.24 The Committee also noted the length of time it took for the Draft Variation to progress following public consultation. This was of concern to the Committee as it brought with it the risk of changes in community expectations, changes in population and demographics and new development considerations. The Minister acknowledged this stating:

The delay in proceeding with the variation once public consultation closed is noted. The pause allowed time for contamination studies over several of the sites proposed to be rezoned to be undertaken.<sup>37</sup>

3.25 Despite the extended process the Weston Creek Community Council felt that 'the consultation was very extensive and it is generally reflected in the document.'<sup>38</sup>

## UNDERSTANDING OF 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. This was articulated by submitters to the Committee's inquiry as well as submitters to the public consultation process:

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<sup>35</sup> Draft Variation 329 – Report on Consultation p. 5.  
[http://www.planning.act.gov.au/\\_data/assets/pdf\\_file/0009/1097613/Attachment-C-Consultation-report-DV329-Weston-group-centre-A10459559.pdf](http://www.planning.act.gov.au/_data/assets/pdf_file/0009/1097613/Attachment-C-Consultation-report-DV329-Weston-group-centre-A10459559.pdf)

<sup>36</sup> Mr Kwiatkowski, Public Submission, 6 February 2017.

<sup>37</sup> Minister Gentleman, Hearing, 20 November 2017, pp. 19-20.

<sup>38</sup> Mr Anderson, Hearing, 20 November 2017, p. 9.

We found the draft variation at times difficult to understand fully and at times difficult to follow. Within it there is a complex mix of issues and they need to be considered together...<sup>39</sup>

and,

Burying a public consultation in jargon few understand or have the time to decipher is not bona fide consultation. Government documents like this need to be more accessible to the general public (or at least accompanied by a user friendly summary) if they're to be released for consultation.<sup>40</sup>

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 inconsistent terminology and a lack of explanatory notes.

3.28 An example of inconsistency in terminology was illustrated by the ways in which the proposed heights of buildings are represented, as a mix of the number of storeys, as surveyor measurements and as heights in metres.

Height we would like to see by measurement, not by number of storeys, because that is an absolute trap for the unwary, particularly if you have got something that has a very much higher first level.<sup>41</sup>

3.29 Another example were the concerns expressed by the Weston Creek Community Council in relation to the intent of rules and criteria in relation to plot ratio (proposed 2.7):

The Council is not sure why the plot ratio rule in commercial zones does not apply and requests that an explanation be provided.<sup>42</sup>

and the application of the definition of industrial trades:

I think the concern I expressed in here was that that particular usage was described in the criteria, whether it is only going to be associated with the car park or not....There are things like car washes. In Woden, for instance, they fit ratios. It is that sort of stuff. We needed a bit of clarification about what is meant with that.<sup>43</sup>

## COMMITTEE COMMENT

3.30 The Committee notes that on several matters – for example in relation to ‘industrial trades’ – the Weston Creek Community Council submission identifies that the Council is seeking

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<sup>39</sup> Mr Anderson, *Transcript of Evidence*, 20 November 2017, p. 9.

<sup>40</sup> Mr Kwiatkowski, Public Submission, 6 February 2017.

<sup>41</sup> Ms McGinn, *Transcript of Evidence*, 20 November 2017, p. 10.

<sup>42</sup> Submission No.1, Weston Valley Community Council, p. 8.

<sup>43</sup> Ms McGinn, *Transcript of Evidence*, 20 November 2017, p. 18.

Government clarification of the intent of parts of the Draft Variation. The Government should meet with the Community Council to clarify these issues.

- 3.31 On the inconsistency in building heights, the Committee notes that this is not just confusing for the community, it also potentially has unintended planning consequences. There is no set height of a storey, and they can vary anywhere from 2.5m in residential buildings to over 7m for a commercial ground floor. A four storey building could therefore be anywhere from 10m to 18m tall – a huge difference in a centre like Weston. The Committee therefore believes that height limits should be either specified in metres or in both metres and storeys. It is noted that in the Draft Variation Rule 7 already uses both but Rule 35 does not.

### Recommendation 1

- 3.32 The Committee recommends that subject to the following recommendations, Draft Variation 329 be approved.**

### Recommendation 2

- 3.33 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, an explanatory note or clear definition is provided as to what the surveyor measurement means.**

### Recommendation 3

- 3.34 The Committee recommends that Rule 35 of the Draft Variation is amended to include height limits specified in both storeys and metres.**

### Recommendation 4

- 3.35 The Committee recommends that where a draft variation to the Territory Plan proposes to amend a code, a 'side-by-side' comparison of the existing 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 5

- 3.36** The Committee recommends that the ACT Government finalises the development of territory plan draft variations, as soon as possible, following completion of the relevant master plan.

## Recommendation 6

- 3.37** The Committee recommends that the ACT Government meet with Weston Creek Community Council to discuss issues raised in their submission.

## 4 WESTON GROUP 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.<sup>44</sup>
- 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.<sup>45</sup>
- 4.3 The community and industry are engaged throughout the process, to ensure local issues and community values are considered.<sup>46</sup>
- 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.<sup>47</sup>
- 4.5 The process to develop the Weston Group Centre Master Plan began with a public information session and public ideas workshops in November 2011. Following additional consultation processes throughout 2012 a draft Master Plan was made available for public comment in June/July 2014. Following feedback from stakeholders, a final Master Plan was endorsed in December 2014.

### Recommendation 7

- 4.6 The Committee recommends that the ACT Government finalises the development of master plans in a more timely fashion.**
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<sup>44</sup> Master plans [https://www.planning.act.gov.au/tools\\_resources/legislation\\_plans\\_registers/plans/master\\_plans](https://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans)

<sup>45</sup> Master plans [https://www.planning.act.gov.au/tools\\_resources/legislation\\_plans\\_registers/plans/master\\_plans](https://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans)

<sup>46</sup> Master plans [https://www.planning.act.gov.au/tools\\_resources/legislation\\_plans\\_registers/plans/master\\_plans](https://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans)

<sup>47</sup> Master plans [https://www.planning.act.gov.au/tools\\_resources/legislation\\_plans\\_registers/plans/master\\_plans](https://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans)

## UNDERSTANDING OF RELATIONSHIP BETWEEN THE DRAFT VARIATION AND THE WESTON GROUP CENTRE MASTER PLAN

- 4.7 The Committee notes that a number of submissions to both the inquiry and to the Directorate during their public consultation period raised concerns about parts of the Draft Variation and proposed changes to the precinct code not complying with the Master Plan.

That plan identified opportunities. It also suggested key actions. Some of those have been carried forward into the precinct plan, as far as I can see. Some of them have not. We think that, on the whole, the precinct plan should acknowledge and provide for those opportunities and key actions, because that is what was agreed with the community, and that is who we are here to represent.<sup>48</sup>

- 4.8 The Weston Creek Community Council (WCCC) highlighted where they felt the Draft Variation had 'neglected' aspects of the Master Plan:

The fourth one gets very little mention in the precinct plan, although it did in the master plan; it is the lack of integration with the public urban space spine and the flow-through of pedestrian and cycling traffic in all directions. It is mentioned. There is a plan about it, but it seems to be rather minor, whereas I feel that with this level of neighbourhood centre this is an integral part of it, linking it to the community. That is something that has been a little bit neglected. Strengthening the recreation precinct is another thing that was mentioned in the master plan which is not mentioned in the precinct plan. And integrating the public realm improvements—I do not see any mention of public realm improvements in the precinct plan at all.<sup>49</sup>

- 4.9 In response the Directorate sought to make clear that:

The master plan is the framework to encourage not only public investment but also private sector investments; it provides the framework. Then from the master plan we have certain changes to the Territory Plan that are identified within the master plan to give statutory effect to many of the provisions. That largely then allows for private sector investment, but also provides the government with ideas in relation to how it might invest in the centre.<sup>50</sup>

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<sup>48</sup> Ms McGinn, *Transcript of Evidence*, 20 November 2017 p. 9.

<sup>49</sup> Ms McGinn, *Transcript of Evidence*, 20 November 2017 pp. 9-10.

<sup>50</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 21.

## Recommendation 8

- 4.10 The Committee recommends that the ACT Government provide a clear and accessible 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.**



## 5 KEY ISSUES

### SCALE OF DEVELOPMENT

#### SIZE AND RETAIL HIERARCHY

- 5.1 The Committee heard evidence from the owners of Woden Westfield, Scentre Management Group (Scentre Group) that outlined concerns about the impact of the increased Gross Floor Area (GFA) of the commercial zone on retail hierarchy. When compared with the commercial GFA of Woden Town Centre they stated that:

The proposed draft variation seeks to significantly extend CZ1, the commercial core zone, to the east of Weston group centre to permit future expansion. The extension proposed by the draft variation is achieved by rezoning an area of approximately 12½ thousand PRZ1 open space and CFC community facility zone to CZ1. However, this is a 50 per cent increase in the current area for the CZ1 core zone.<sup>51</sup>

- 5.2 Furthermore Scentre Group stated that the increased building heights would increase the GFA:

Should the draft variation be passed, these sites, if developed to their full potential, could allow for an additional 37,000 square metre GFA. Such an expansion would significantly increase the competition for the retail offerings in the surrounding areas and detract from the primary town centres and the planned retail hierarchy within the area.<sup>52</sup>

- 5.3 However, the Directorate stated that the increase was much smaller than Scentre Group had portrayed:

This proposed Territory Plan variation increases the commercial area by only 4,600 square metres, so it is not something the size of Westfield. I will just refer to my notes. Weston contains 25,000 metres squared of developable land in a CZ1 commercial zone, and this DV proposes to increase it by 4,600 metres squared. Woden is 125,000 metres squared.<sup>53</sup>

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<sup>51</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p. 1.

<sup>52</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p. 1.

<sup>53</sup> Ms Flanery, *Transcript of Evidence*, 20 November 2017, p. 22.

- 5.4 Scentre Group also stated that by increasing the size of Weston Group Centre, the Draft Variation 'detracts' from the intention of both the National Capital Plan and the Territory Plan in relation to the hierarchy of centres:<sup>54</sup>

The National Capital Plan recognises the importance of having one town centre as the focal point for each township, along with the importance of maintaining the integrity and the hierarchy. The National Capital Plan clearly stipulates that a hierarchy of centres will be maintained and that, in this hierarchy of centres, each town will have a centre as the focal point for higher order retail functions, commercial services, offices, and community facilities, most importantly.<sup>55</sup>

The National Capital Plan, together with the Territory Plan, clearly states that it is not desirable for there to be an increased retail intensification in centres which would detract from the pre-eminence of town centres. The point is even more concerning as the Weston group centre is located less than three kilometres from the Woden town centre.<sup>56</sup>

- 5.5 The Committee noted that the National Capital Plan frames the urban structure of Canberra around a hierarchy of centres as follows:

One of the key principles of Canberra's urban structure has been that a hierarchy of centres has been developed, with each town having a centre acting as a focal point for higher order retail functions, commercial services, offices and community facilities.

This hierarchical principle, at the metropolitan level, means that:

- Canberra Central continues to be the main location of office employment
- City is to be encouraged to develop as the most specialised retail, commercial, cultural, entertainment and tourist centre
- town centres provide retail, commercial, cultural, entertainment and other facilities to meet community needs, and serve also as locations for office-based employment.

Each town should have a town centre. The Territory Plan will provide for a range of lower order centres to meet the varying needs of residents.

Centres at each level in the hierarchy form the focus of a range of retail, commercial and community facilities and services, in which specialisation increases at successively higher levels.

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<sup>54</sup> Submission No. 2, Scentre Group, p. 3.

<sup>55</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p. 2.

<sup>56</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p. 2.

Continued expansion of services and facilities should be provided for and encouraged in each of the town centres.<sup>57</sup>

- 5.6 The concerns about retail hierarchy were dismissed by the Directorate who indicated that Weston Group Centre in relation to Woden Town Centre:

is less than a quarter of the size, so I would strongly argue that it does remain within the retail hierarchy.<sup>58</sup>

- 5.7 Although the Directorate could not outline what kind of retail outlets would be accommodated by the increase in size of the commercial area they indicated:

Whether it be an expansion to the existing supermarket or another supermarket is something that would need to be determined by the market, even to the extent of whether it were a small or a full-line supermarket, if that is what the intention was. Certainly it is not for the Territory Plan to dictate what would actually go into that centre there. It could be a number of smaller retail premises, it could be something larger or it could be a combination of the two, but that would certainly be for the owners of the centre to determine in due course.<sup>59</sup>

- 5.8 However, Scentre Group stressed that any retail intensification in Weston Group Centre would have a 'detrimental' effect on nearby Woden Town Centre by increasing the level of competition for the same kind of customers.

The Weston group centre is considered a lower order centre under the National Capital Plan, intended to meet the varying needs of local residents. The concept of lower order centres does not envisage an expansion of retail uses to the extent proposed in this draft variation. The extent of the retail expansion proposed in this draft variation is of a size that would encroach considerably on the intended primacy of Woden town centre within the Woden township and the hierarchy and therefore is not supported by Scentre Group.<sup>60</sup>

Furthermore, an over-expansion of retail uses within the Weston group centre would have an adverse impact on our existing businesses and our customers within Woden town centre. These changes would detract from business profitability due to the resulting reduced customer base. Where retail is intensified in areas outside town centres, customers reduce their visits to those town centres. As a result, services and

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<sup>57</sup> National Capital Plan 1990 (Cth), Section 3.1.1, <https://www.nca.gov.au/consolidated-national-capital-plan>.

<sup>58</sup> Ms Flanery, *Transcript of Evidence*, 20 November 2017, p. 22.

<sup>59</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 24.

<sup>60</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p. 2.

business within these primary town centres falter and can be expected to provide lower levels of service and become unviable.<sup>61</sup>

Transport hubs will be less frequently patronised and the use of the town centre for community purposes will suffer. From an economic standpoint, town centres like Woden will suffer and decline if retail over-expansion is permitted in areas that are not meant to be retail intensive under the planning instruments and foresight of the Australian Capital Territory.<sup>62</sup>

5.9 Whilst accepting that ‘market forces will dictate to some extent what happens’ the WCCC indicated that the intention of the local residents was for Weston Group Centre:

to remain a community based area. There is no way we are trying to compete in any way whatsoever with Woden town centre, which we consider our town centre. However, when the master plan was looked at there was no feeling that they wanted to lose anything of the character of the centre.<sup>63</sup>

and affirming that:

Without large employment being generated in this centre, I cannot see it in any way challenging Woden, and we certainly would not want that to happen.<sup>64</sup>

5.10 When the Committee queried the current impact of Weston Group Centre on Woden Town Centre, Scentre Group indicated that:

At the moment we are accepting the current market share. As I said, it is just the scale and bearing in mind the new transport and how many more people will be coming to Woden town centre. We want to do things like look at really becoming a transport hub. That is probably some of the future planning we have for the car park area as well, on north Callam Street, and things like that—just really providing those end-of-trip facilities to encourage people to bike and use public transport. We feel that if they are dissipated throughout the community it is just not something that we can provide, because there are not as many users.<sup>65</sup>... We are just extremely concerned about the viability of both.<sup>66</sup>

5.11 When asked about what level of expansion for Weston Group Centre would be suitable for them, Scentre Group indicated that it would have to be much smaller than currently proposed and incorporate:

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<sup>61</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p. 2.

<sup>62</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p. 2.

<sup>63</sup> Ms McGinn, *Transcript of Evidence*, 20 November 2017, p. 11.

<sup>64</sup> Ms McGinn, *Transcript of Evidence*, 20 November 2017, p. 18.

<sup>65</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p. 6.

<sup>66</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p 6.

complementary uses, just not competing uses...Complementary would be medical services if that was something they wanted to look at. Competitive would be more the supermarket variety, the fashion, the Australian fashion, which is what we really want to keep in the core town centre, the retail side.<sup>67</sup>

- 5.12 However Scentre Group did admit that they had not done any modelling on the impact of an increase in the size of the Weston Group Centre would have of Woden Town Centre:

We have not done any modelling on the specific example of Weston group centre, but we have seen the effect that the recent loss of 700 to Civic from the vicinity of Woden town centre has had on the shopping centre.<sup>68</sup>

- 5.13 The potential impact of Curtin and Mawson Group Centres on the Woden Town Centre was also discussed, although Scentre Group was of the belief that these centres, even when re-developed, would not be an issue:

As I said, we are not anti-competitive ...The scale of that one we see as sufficient for its purpose. It is just the scale of this development and the proposed changes to the planning instruments that we are concerned about, which is why we have not objected to the other one.... Yes, at this stage, to my knowledge. I have not seen it yet... To our knowledge, the scale of those ones does not concern us as much as this one.<sup>69</sup>

## COMMITTEE COMMENT

- 5.14 The Committee supports the ACT's retail hierarchy, as stipulated in the National Capital Plan and the Territory Plan, however it does not share Scentre's concerns about the possible impact of a relatively minor expansion at Weston Group Centre.

## LOCATION RELATIVE TO MOLONGLO

- 5.15 Throughout the inquiry the Committee was informed that the proposed expansion of the Weston Group Centre is key part of the transitional arrangements for services for Molonglo residents until Molonglo is of sufficient size to have its own Group Centre.

- 5.16 In this context the Directorate told the Committee that:

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<sup>67</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p. 7-8.

<sup>68</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p.3.

<sup>69</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p. 7-8.

In undertaking the planning for Molonglo Valley, it was always anticipated that, until there was sufficient capacity or there were residents within the valley to justify those new centres, Cooleman Court would do some of the lifting.<sup>70</sup>

5.17 The Directorate also indicated to the Committee that:

as the population increases in the Molonglo Valley, you will start to see the local centres developed, and in due course you will also see the larger commercial centre developed.<sup>71</sup>

It is already in the planning process. There is a retail opportunity, in a commercial sense, for when a new owner will come along and make those changes.<sup>72</sup>

5.18 The designated commercial zones within Molonglo were of concern to Scentre Group who felt that:

This indicates that there are further group centres proposed for these future areas. Indications of the size of these yet-to-be-released areas suggest that the CZ1 zone areas will be larger than the CZ1 zone area for the Weston group centre, thus further diluting the retail offering within the Woden town centre and its intended catchment area.<sup>73</sup>

5.19 In response to the Committee concerns about the Weston Group Centre becoming underutilised or non-viable local and group centres were established in Molonglo, the Directorate stated:

That is why what we are proposing is that there are opportunities in the Weston group centre and then, over time, the local centres and then the major commercial centre in the Molonglo Valley. That will be staged over a period of time, to ensure that what you are suggesting does not happen. Certainly it has been borne out in previous experiences in other parts of Canberra, where you saw local centres in Gungahlin, for example, being developed. The town centre as the major centre was developed over time as the demand warranted that, but the local centres are still operating quite efficiently and effectively.<sup>74</sup>

5.20 The Directorate was confident that:

the Weston group centre could take this type of proposed development. The reality is that, if the market is not quite right now, that investment will not occur this year or

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<sup>70</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 22-23.

<sup>71</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 23.

<sup>72</sup> Minister Gentleman MLA, *Transcript of Evidence*, 20 November 2017, p. 25.

<sup>73</sup> Ms Taylor, *Transcript of Evidence*, 20 November 2017, p 2.

<sup>74</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 24.

next year. But the master plan is not about the next one or two years; it is about the next five, 10, 15 and 20 years.<sup>75</sup>

- 5.21 Mirvac, the owners and managers of Cooleman Court indicated in their submission to the public consultation process, their confidence in the proposed retail expansion for Weston Group Centre:

A revitalised Cooleman Court will continue to provide services to Molonglo beyond the opening of new commercial space in that area. Hence the support from Mirvac for scope to expand its retail offer by way of the opportunities provided in DVP 329<sup>76</sup>...it facilitates opportunities for and expansion of commercial activity in the Group Centre commensurate with a stronger and more viable commercial centre.<sup>77</sup>

- 5.22 In response to Committee questioning about the effect the projected decline in the population of the Weston area may have on the viability of the Weston Group Centre the Directorate stated:

I think it is safe to say that, whilst population in some of these centres is declining, the government has a fairly strong urban renewal agenda which will look to provide opportunities to renew some of these suburbs. I think that with the opportunities around the group centre itself, as we start to see some of the work coming out of the housing choices discussion paper, there may be opportunities for increased densities in this location. But I guess we will just have to wait and see what comes out of that. In terms of investment, I think that the private sector would ensure that they would only invest in this centre if they were confident that there were going to be a long-term market.<sup>78</sup>

## BUILDING HEIGHTS

### HEIGHT MAXIMUMS

- 5.23 The Weston Group Centre precinct code does not currently prescribe maximum building heights. The proposed increase to six storeys in some locations was of particular concern to the community. Community groups gave evidence to the Committee that a maximum height of four storeys in areas adjacent to Cooleman Court and two or three storeys in other areas was

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<sup>75</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 30.

<sup>76</sup> Mirvac, Public Submission.

<sup>77</sup> Mirvac, Public Submission.

<sup>78</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 25.

appropriate. They indicated that throughout the Master Plan and Draft Variation processes this has always been seen as more appropriate:

The proposal for the maximum height of 3 storeys for the Centre other than exclusions seems reasonable given that the majority of existing buildings are 2 storey and an additional storey would allow for a wider variety of uses without greatly altering the character of the Centre...One of the main issues raised in both submissions on the Weston Creek Master Plan and at Consultations, concerned the proposed increase in allowable building heights within the Centre. It is the Councils belief that that this concern has not diminished albeit that the community understands the need to increase density at neighbourhood centers to ensure their viability and to house Canberra's growing population.<sup>79</sup>

and indicated that:

The community seems to be reasonably accepting of four storeys. I think they might be very unhappy with anything above that.<sup>80</sup>

5.24 The Committee heard that residents felt that if the sites with proposed maximum heights of greater than four storeys were developed to this level:

the centre would radically change in character and be somewhat 'unbalanced. This is one of the reasons why Council and the Community do not want any buildings above 4 storeys and preferably metres. It is therefore questionable whether the complex inter-relationship between the designated areas has received sufficient consideration.<sup>81</sup>

5.25 The adequacy of solar access was also a factor in submissions requesting a decrease in the proposed maximum allowable heights:

Solar access is very important to the community in Canberra's winters. The WVCC would like to see a reduction in the building heights, particularly on the northern side of Cooleman Court (section 88), to allow sun on active frontages along Mahony Ct.<sup>82</sup>

5.26 A number of areas in RC1 and RC2 with proposed height maximums of four or more storeys were noted by the WCCC:

- Area A of RC1 was of concern due to the proposed four storey height limit which they felt would effectively result in an unwanted 'marker' building at the southern edge of the Centre.<sup>83</sup>

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<sup>79</sup> Submission No.1, Weston Creek Community Council, p. 5.

<sup>80</sup> Ms McGinn, *Transcript of Evidence*, 20 November 2017, p. 10.

<sup>81</sup> Submission No.1, Weston Creek Community Council, p. 6.

<sup>82</sup> Submission 3, Woden Valley Community Council.

<sup>83</sup> Submission No.1, Weston Creek Community Council, pp. 5-6.

- Area B and Area C of RC1, which are currently car parks on the northern and southern side of Cooleman Court, were also of concern in terms of the proposed height limit of 5 storeys. Whilst acknowledging that ‘a reasonable height is required to accommodate both car parking and other uses’ the WCCC considered:

5 storeys to be excessive and would prefer no developments of more than 4 storeys. Council would want the Active frontages and pedestrian laneways in Figure 3 to be mandatory. Council would also see these buildings being substantial and has concerns that development could end up as an unimaginative concrete blocks at either end of the current Cooleman Court. This could create shadowing and wind tunnels, particularly if the buildings are more than 15 metres in height.<sup>84</sup>

- Area E of RC1 was noted to overlook established residential areas and the WCCC felt that six storeys would be too much:

Four storeys might be okay, though even then it is above the tree line, but six storeys would be overlooking all the residential areas on the other side of the green spine. We do [not] think that is a very good idea and we certainly do not think the residents will.<sup>85</sup>

- Area C of RC2, which is adjacent to the southern car park of Cooleman Court and is currently occupied by various Health Services could have up to 6 storeys on the site. The WCCC claimed:

this would create a very dominant Building which appears to be CFZ zoning. This seems to be a very unusual combination...The Council requests therefore that this section of the Draft Variation be placed on hold pending further consultation.<sup>86</sup>

5.27 In response to community concerns the Directorate stated to the Committee that the Master Plan process had considered and canvassed community views on the proposed maximum heights for the Weston Precinct:

Yes, some parts of the community expressed some concern about the heights, wanting more four to five, but it is five to six storeys in the majority, particularly where the two car parks are currently. That is up to six storeys and then five storeys. Where you have the existing community facility site, that could be up to six storeys, and that was deemed to be appropriate. You have that sort of interaction with the open space and the linkages to the existing group centre. They were the considerations.<sup>87</sup>

5.28 The Directorate highlighted the advantages of the increased heights, particularly in terms of the ability for such buildings to become mixed use:

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<sup>84</sup> Submission No.1, Weston Creek Community Council, pp. 5-6.

<sup>85</sup> Ms McGinn, *Transcript of Evidence*, 20 November 2017, p. 11.

<sup>86</sup> Submission No.1, Weston Creek Community Council, p. 9.

<sup>87</sup> Ms Kaucz, *Transcript of Evidence*, 20 November 2017, p. 32.

I suppose, looking at the heights, it is to try to get that balance, particularly for the mixed use, because you can have commercial and retail but also some of the residential, and, as Mr Ponton was saying, encouraging people to live in the centre. The heights give you that extra few levels of residential with retail and potentially office in between. It is just helping to give that mix of uses.<sup>88</sup>

## COMMITTEE COMMENT

- 5.29 The Committee understands the concerns expressed by Weston Creek Community Council and a number of other submitters about maximum heights for buildings of greater than 4 storeys or 15 metres. Such buildings would be a substantial change to the feel of the Centre. However, the Committee is concerned that without taller buildings, adequate parking will not be able to be provided or re-development will not occur.
- 5.30 The sites that are proposed to have a 5 or 6 storey height limit – the current southern and northern car parks of Cooleman Court, Section 88 and Section 84 – are in the area most impacted by the Centre’s parking shortage. Any re-development of these sites will need to provide substantial quantities of basement car parking, including public car parking.
- 5.31 Basement car parking is very expensive, with the Government recently estimating that each space costs around \$30,000 to build.<sup>89</sup> This is a very large cost impost on re-development. For example, a redevelopment of Section 84 would potentially need to provide over 200 replacement public parking places. This represents a construction cost of over \$6 million, just for replacement public parking and without including the parking required for the development itself. In a centre without paid parking, the developer would be unable to recoup this cost in any way.
- 5.32 The Committee is of the view that without the height limits proposed by the Government, re-development will either not be financially viable or will come with the loss of significant amounts of public parking. It has therefore decided to recommend that the height limits are not changed.

## Recommendation 9

- 5.33 The Committee recommends that the ACT Government implement the proposed height limits for buildings as detailed in the Draft Variation.**

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<sup>88</sup> Ms Kaucz, *Transcript of Evidence*, 20 November 2017, p. 32.

<sup>89</sup> Estimates 2017-2018, *Answer to Question Taken on Notice E17-390*.

## COMMUNITY FACILITIES

### COMMUNITY CENTRE

- 5.34 Concerns were raised throughout the inquiry as to the future availability of community facilities in the Weston precinct, particularly the need for a new Community Centre or community hall:

We desperately need a new community centre. We have to have our meetings in a club, which has stairs, making it very awkward for people with disabilities. So the community centre is something we do not want to walk away from, full stop. It is also mentioned in the master plan that the community centre should cater for diverse community needs. We need a new community centre to do that. We are a diverse community. We are also a community that is ageing and regenerating at the same time, as are a lot of suburbs at the same sort of geographic distance from the city centre.<sup>90</sup>

and,

The community has an expectation that a replacement community centre would be part of the Variation. However, this does not appear to be the case from this Variation. The restrictions placed on the uses allowed does not seem to include a community centre. Currently there is no community facility in Weston Creek that can be used for general community activities and this causes problems for the many organizations that exist in the Weston Creek area.<sup>91</sup>

- 5.35 Mirvac in their submission to the public consultation process advocated for the replacement of the current community activity centre ‘with a more appropriate and suitable structure’. They felt that relocating the facility adjacent to the Weston Group Centre would be the most appropriate solution with ‘construction of a new facility prior to relocation to maintain continuity of operations.’<sup>92</sup>

- 5.36 In evidence to the Committee it was indicated that the initial expectation was that a new Community Centre would be located on Section 75:

However, looking at the uses that appear in the criteria, it does not seem to be marked down for a community centre. It seems to be more like “public health, welfare or information services”. That, to us, does not sound like a community centre at all. There is no replacement for the community hall. It appears more like a health centre. We do

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<sup>90</sup> Ms McGinn, *Transcript of Evidence*, 20 November 2017, p. 12.

<sup>91</sup> Submission No.1, Weston Creek Community Council, p. 10.

<sup>92</sup> Mirvac, Public Submission.

have some private health services at Weston Creek within the area we are talking about. We might like to have some public health facilities but not at the expense of a community centre, which we have not got.<sup>93</sup>

5.37 In response the Directorate stated that:

That is being proposed because we heard very strongly during the master planning process that the community wanted to see more community facilities land. In response to the normal statutory processes, the Environment Protection Authority raised concerns, as did some residents nearby, about particular uses that would be permitted under the ordinary provisions of the community facilities zoning, and therefore those additional restrictions were imposed.<sup>94</sup>

5.38 The public consultation process revealed that the concerns of residents<sup>95</sup> centred around noise pollution but also included impacts on nearby residents, particularly those in Watling Place, but also included:

- Access to the proposed site required pedestrians to cross a very busy road, Parkinson Street and will be particularly difficult for elderly resident to navigate.
- Access for residents of the aged care facilities will be more difficult and potentially unsafe with proposed facilities being further away.
- The relocation of the Community Centre to the propose site will break its nexus with the Group Centre.<sup>96</sup>

5.39 The Directorate explained that the Draft Variation did not negate other sites being used to establish a community centre or hall as:

there is other community facilities zoned land where, should the government choose to invest in a community hall, we could certainly identify other land within the group centre vicinity for such a facility.<sup>97</sup>

5.40 The Weston Creek Community Association Inc. submission to the public consultation process, recommended the use of the Independent Living Centre Site as a possible location for a Community Centre (incorporating health services) with the current occupants of the Independent Living Centre building relocated to the proposed re-zoned Parkinson Street site.<sup>98</sup>

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<sup>93</sup> Ms McGinn, *Transcript of Evidence* 20 November 2017, p. 12.

<sup>94</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 25-26.

<sup>95</sup> Nicola Swann; Keith Burnham; Weston Creek Community Association Inc.

<sup>96</sup> Weston Creek Community Association Inc., Public Submission.

<sup>97</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 25-26.

<sup>98</sup> Weston Creek Community Association Inc., Public Submission.

This idea was supported by the Weston Creek Community Council in their submission to the public consultation process.<sup>99</sup>

## GOVERNMENT INVESTMENT

- 5.41 In response to concerns about ensuring there are adequate community facilities in the long term, the Committee queried the potential involvement by the ACT Government in the community activity centre. The Directorate in response indicated that:

The government may choose to invest in that, but that may be a decision, for a later date. This master plan and the subsequent Territory Plan variation are simply providing the framework to allow the government to make that decision at a future point. This is not about locking in that investment; nor should it be. A master plan tends to provide the framework for a five, 10 or 15-year period, and the Territory Plan variation is about providing the appropriate zoning for that investment to occur at a future date. You can have land zoned community facilities be vacant for 20 years if the need is not there. I think it would be premature for the government to invest unless it were certain that the need existed right now. In summary, these documents are about providing the framework for the government to be able to make those decisions at the right time.<sup>100</sup>

## RECREATIONAL LAND

- 5.42 Questions were raised by the Committee in relation to the future use of recreational land in the Weston precinct. The Weston Oval and its potential use as a wetland facility was a key areas of discussion. The Directorate acknowledged that the wetland option had been considered a part of the Master Plan process:

During the development of the master plans, one of the options investigated with the community and consultants involved was looking at potential for a wetland. We also looked at other uses such as other recreation uses—it is not a particularly utilised area at the moment—and what there could be in the future.<sup>101</sup>

During the various engagement activities, we heard from the community that they would be supportive of a possible wetland. That is why it was included in the master plan as a potential investment at a later date. ...It gives the government a fairly good steer, should it be able to invest in that particular locality in relation to recreational facilities, as to what the community might be looking for.<sup>102</sup>

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<sup>99</sup> Weston Creek Community Council, Public Submission.

<sup>100</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 26.

<sup>101</sup> Ms Kaucz, *Transcript of Evidence*, 20 November 2017, p. 33.

<sup>102</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 33.

- 5.43 The Committee asked if it was an option for the oval to be reinstated as a usable recreational oval in the future:

If it came to pass that, for the region of Weston and Molonglo, a new oval were required, this certainly provides the government with the framework to proceed in this location. But if it came to pass that there were an alternative site within the Molonglo Valley, and the government for various reasons chose to invest there, you could certainly look at it again. As I said, this is a framework for what might happen.<sup>103</sup>

## Recommendation 10

- 5.44 The Committee recommends that the ACT Government deliver a new Weston Creek Community Centre, including a community hall, prior to the sale of the current community centre site.**

## CAR PARKING

### AVAILABILITY OF PUBLIC CAR PARKS

- 5.45 Car parking at the Weston Group Centre was an issue raised throughout the inquiry with the WCCC noting that as the Weston Group Centre is accommodating the increased traffic from Molonglo; is a notable meeting place for Weston Creek residents; has the only Aldi in the area; and has a well-attended indoor tennis centre and gym, there has been a flow on effect in terms of the need for more parking spaces.

You will hear everyone say it is very difficult to get a parking spot at Coleman Court. I never try the south side because it is always full. I go to where people now do not like to go, which is the works around Trenerry Street. You can get a car park there sometimes on the north side, but it depends on the time of the day that you go there. It is very difficult.<sup>104</sup>

- 5.46 The WCCC also made note of the difficulty they experienced seeking an increase in the number car parks to alleviate the car parking pressure that was already in evidence a number of years ago. They indicated to the Committee how this had now affected their perception of the proposed R4 and C4:

In commenting on this particular matter, Council takes into account the very long delay in obtaining a small number of extra spaces to alleviate the current parking issues at

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<sup>103</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 33.

<sup>104</sup> Mr Anderson, *Transcript of Evidence*, 20 November 2017, p 17.

the Group Centre. In all, it took some 6 years to obtain an additional 76 car parking spaces in and around the Weston Group Centre. It is therefore with some cynicism that the Council considers this well meaning rule and criteria.<sup>105</sup>

5.47 The Directorate maintained that:

In undertaking the master planning work, parking was a key consideration, understanding that there would be increased pressures on this centre. I think it was in 2015, shortly after the master plan was finalised, that the government committed to undertake some work to increase the number of car parking spaces in the centre. That was in recognition that there would be, over time, an increased demand on that centre, noting that it would be a transitional arrangement until there was sufficient capacity or demand within the Molonglo Valley.<sup>106</sup>

5.48 The effect that development on the site of the two car parks would have on the availability of car parking was highlighted by the WCCC:

Like all of the neighbourhood centres—Curtin has got the same issues; Mawson is not quite so bad—we are a defined area. There is not much space. You cannot suddenly grow some space. So any extra car parking is going to have to go up. However, while that is being constructed, where are people going to park? Also, if construction goes on in the two existing car parks not only will whoever builds there have to allow car parking for their occupants, be they residential or whatever, but also they are going to have to replace the existing public car parking, otherwise the whole centre becomes non-viable.<sup>107</sup>

Council has grave concerns over parking at the centre with any development both in the final number and also with maintaining the number of car parking spaces while any development occurs, as there is little land around the Group Centre that could be utilised as temporary parking while the existing car parks are built over.<sup>108</sup>

5.49 The Directorate acknowledged the need to replace the car parking spaces as well as accommodate development demands:

I start by noting that, should those car parks be redeveloped, then the car parking spaces would need to be replaced. The demand from the development that goes on in those sites would also need to be accommodated. That would most likely be in basement car parking. The issue, and it is certainly an issue that can be overcome, would be how you provide for the transition as you are removing car parks to build

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<sup>105</sup> Submission No.1, Weston Creek Community Council, p. 4.

<sup>106</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 23.

<sup>107</sup> Ms McGinn, *Transcript of Evidence*, 20 November 2017, p. 12.

<sup>108</sup> Submission No.1, Weston Creek Community Council, p. 4.

new car parks, and then also whether you can make car parks available within the basement before the building is finished. These are certainly things that can be done. These are challenges that could be dealt with through detailed design. But certainly the expectation is that we would not be removing car parks and not having those replaced, and certainly would not be allowing additional commercial space to be built without the demand that that would generate being accommodated on site.<sup>109</sup>

5.50 In response to queries from the Committee about how the level of car parking could be maintained during development the Directorate stated:

I do not have the answer right now in terms of where that temporary car parking would occur, but certainly as part of the assessment process we would not approve the removal of a car park unless we had a clear picture of what would be occurring in relation to temporary car parking.<sup>110</sup>

## Recommendation 11

**5.51 The Committee recommends that the ACT Government ensure that the number of publicly accessible car parking spaces are maintained during and after any development activity on the current car parking areas situated at Section 88 and Section 84.**

## INDUSTRIAL TRADES

5.52 The WCCC raised concerns about 'industrial trades' being a suitable development option in the area, particularly considering the need for car parking:

The Council is concerned about the possibility of industrial trades being established in MT1. These trades could well be incompatible with the existing retail nature of this area. Council notes that they are only permitted in association with a structured car park. Council questions this and asks does this mean that they will only be approved within a car park or if they would be approved with a provision of their own parking?<sup>111</sup>

5.53 In response the Directorate explained to the Committee that:

The existing provision allows for car washing and those types of uses. It is between a normal commercial use and industrial: low impact, semi-industrial. There is a definition of industrial trades in the Territory Plan that any application would have to meet.<sup>112</sup>

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<sup>109</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 27.

<sup>110</sup> Mr Ponton *Transcript of Evidence*, 20 November 2017, p. 27.

<sup>111</sup> Submission No.1, Weston Creek Community Council, pp. 3-4.

<sup>112</sup> Ms Kaucz, *Transcript of Evidence*, 20 November 2017, p. 34.

- 5.54 The Committee recognises that the Territory Plan currently defines 'Industrial Trades' as:  
the use of land for the selling, hiring, inspection or servicing of goods or materials for industrial, agricultural, construction, transport or like purposes where:
- a) A large area for handling, storage or display is required; and/or
  - b) The activity carried out has the potential to have an impact similar to industry in terms of traffic and parking generation, noise and air pollution, and visual impact.<sup>113</sup>

## TRANSPORT CONSIDERATIONS AND PEDESTRIAN ACCESS

### BUSES

- 5.55 It was noted by the Committee that there was a lack of clarity in regards to the proposed bus network and how it would intersect in the Weston precinct. The Directorate in response to the Committee's queries on this matter indicated that:

We continue to work very closely with our colleagues in Transport Canberra and City Services with the investment in light rail and the work that is being undertaken for light rail stage 2. Our colleagues in Transport Canberra and City Services will need to be continually thinking about the way the bus network will operate once the new infrastructure comes online. In addition to that, they will need to be thinking about how they reinvest those bus kilometres that would otherwise have been utilised where the light rail is occurring. That work is all underway. In terms of a specific as to what will be happening exactly in this location, I would have to take it on notice and confer further with our colleagues in Transport Canberra.<sup>114</sup>

### ACCESS PATHS

- 5.56 Concern was expressed by community groups as to the lack of pedestrian connections within the Weston Group Centre. Improvements to East-West laneway were of importance to the WCCC:

The community has expressed a desire to retain the 'village' character of their local centre and consider that this has not been addressed sufficiently in the Variation. The

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<sup>113</sup> Territory Plan (ACT), Part A – Definitions of Development, <http://www.legislation.act.gov.au/ni/2008-27/current/default.asp>, p. 12.

<sup>114</sup> Mr Ponton, *Transcript of Evidence*, 20 November 2017, p. 34.

section on active frontages and setbacks is a welcome step towards revitalizing Brierly Street and some of the laneways.<sup>115</sup>

However, there is a lack of complete East-West laneways and therefore little pedestrian connection through to the green spine on the East of the Centre. In the Master Plan this connection is mentioned in the context of remedying the inward looking nature of the Centre. The Council would like to see further thought given to this matter so that there is a more obvious connection.<sup>116</sup>

5.57 The WVCC also highlighted the need for a pedestrian mall rather than a laneway, which is currently proposed, in the northern carpark:

In addition, development of the carpark north of Cooleman Court (area C of figure 2) should provide for a pedestrian mall from the northern exit of Cooleman Court through to Liardet St. This pedestrian mall would provide for active frontages and activity along the mall. This pedestrian mall would be more substantial than the pedestrian laneway proposed in Figure 3 and retain substantial solar access.<sup>117</sup>

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<sup>115</sup> Submission No.1, Weston Creek Community Council, p. 9-10.

<sup>116</sup> Submission No.1, Weston Creek Community Council, p. 5.

<sup>117</sup> Submission No. 3 Woden Valley Community Council

## 6 CONCLUSION

- 6.1 The Committee has made 11 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

Chair

7 February 2018



## Appendix A Submissions

- Submission 1 - Scentre Management
- Submission 2 - Weston Creek Community Council (WCCC)
- Submission 3 - Woden Valley Community Council (WVCC)



## Appendix B      Witnesses

20 November 2017

- **Scentre Group Management**
  - Aimee Taylor, Development Executive, Scentre Group Development & Asset Management
  - Lisa Eldridge (Moulis Legal)
  
- **Weston Creek Community Council (WCCC)**
  - Tom Anderson, Chair, WCCC
  - Pat McGinn, Deputy Chair, WCCC
  
- **Mr Mick Gentleman MLA, Minister for Planning and Land Management**
  - Mr Ben Ponton, Director-General, EPSDD
  - Dr Erin Brady, Deputy Director General, Land Strategy and Environment, EPSDD
  - Ms Fleur Flanery, Executive Director, Planning Policy, EPSDD
  - Ms Alix Kaucz, Senior Manager, Territory Plan Section, EPSDD



## Appendix C Questions Taken on Notice

### **Standing Committee on Planning and Urban Renewal Questions Taken on Notice – 20 November 2017**

<b>No</b>	<b>Hearing Date</b>	<b>Asked By</b>	<b>Directorate / Portfolio</b>	<b>Subject</b>
1	20 November 2017	Ms Lawder	EPSDD	Wetland on site of Weston Oval – where would it drain into. (P33-34)
2	20 November 2017	Ms Le Couteur	EPSDD	Bus Network (p34)

