STANDING COMMITTEE ON PLANNING AND ENVIRONMENT

Draft Variation to the Territory Plan No. 259 – Woden Town Centre
Town Centre Planning Reforms, and
Draft Variation to the Territory Plan No. 262 – Changes to A10
Residential Core Area for Narrabundah

OCTOBER 2006

Report 23
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Resolution of appointment

On 7 December 2004 the ACT Legislative Assembly agreed to establish general purpose standing committees. The Assembly resolved that:

(1) The following general purpose standing committees be established and each committee to inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community:

...  
(e) a Standing Committee on Planning and Environment to examine matters related to planning, public works and land management, conservation and heritage, transport services, and environment and ecological sustainability.  
...

The Assembly also agreed that if the Assembly is not sitting when the Standing Committee on Planning and Environment had completed consideration of a report on draft plan variations or draft plans of management referred to the Committee by the Minister under the *Land (Planning and Environment) Act 1991*, 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.¹

Terms of reference

Section 25 of the *Land (Planning and Environment) Act 1991* (ACT) states:

The Minister shall, within 28 days of receiving a draft plan variation under section 24, refer—

(a) the draft plan variation; and  
(b) the documents referred to in section 24 (1) that relate to the draft plan variation;

to an appropriate committee of the Legislative Assembly together with a request that the committee report on the draft plan to the Legislative Assembly.

¹ Legislative Assembly of the ACT, *Minutes of Proceedings*, No. 2–7 December 2004, pp12–16
Preface

Both Federal and ACT law and policy governs planning in the ACT. The Australian Capital Territory (Planning and Land Management) Act 1988 (Cwlth)\(^2\) establishes the National Capital Authority, which prepares and administers the National Capital Plan. The Act also enables the Legislative Assembly to establish a statutory planning authority – now the ACT Planning and Land Authority – to develop and implement the Territory Plan. The Land (Planning and Environment) Act 1991 (ACT)\(^3\) (the Act) requires the Territory Plan to set out the planning principles and policies for giving effect to its object,\(^4\) which is:

> to ensure, in a manner not inconsistent with the national capital plan, that the planning and development of the ACT provides the people of the ACT with an ecologically sustainable, healthy, attractive, safe and efficient environment in which to live, work and have their recreation.\(^5\)

The Plan includes both a written statement and a map. The written statement contains general planning principles (Part A), specific land use policies (Part B), overlay provisions (Part C) and definitions of terms (Part D). The Territory Plan map shows which land use policies and overlays in the written statement apply to particular sections of land in the Territory. The Territory Plan is developed and implemented taking account of other strategic ACT Government policy documents such as The Canberra Plan and People Place Prosperity: A Policy for Sustainability in the ACT.\(^6\)

Recognising that land use policies may change over time, the Act provides for variations to the Territory Plan. The ACT Planning and Land Authority prepares these for stakeholder comment. There can be a number of versions of a draft variation depending on the consultation program.


\(^4\) Land (Planning and Environment) Act 1991, sub-section 7(2))

\(^5\) Land (Planning and Environment) Act 1991, sub-section 7(1)

The Minister is required by the Act to refer each draft variation, within 28 days of receiving it, to an appropriate committee of the Assembly – currently the Standing Committee on Planning and Environment – for consideration and report.\(^7\) The Minister is required to have regard to the Committee’s recommendations before approving the proposed variation and tabling it in the Assembly (see below), or returning it to the ACT Planning and Land Authority with written directions for further action.\(^8\)

The Territory, the Executive, a Minister or a Territory authority must not do or approve anything that is inconsistent with the Territory Plan, or the proposed draft variation, in relation to land that is subject to a draft variation, once the draft variation has been notified for public consultation under the Legislation Act and until it commences operation, is disallowed by the Legislative Assembly, or is withdrawn.\(^9\)

Following the Committee’s tabling of its report in the Legislative Assembly, the Minister must take the findings of the committee into account before making his decision in relation to the draft plan variation.\(^10\) If the Minister approves it, he will table the proposed variation and associated documents in the Legislative Assembly.\(^11\) Unless wholly or partially disallowed by the Assembly on a motion for which notice has been given within five sitting days, the variation will commence on the date nominated by the Minister.

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\(^7\) Land (Planning and Environment) Act 1991, section 25
\(^8\) Land (Planning and Environment) Act 1991, paragraphs 26(1)(a) and (b), sub-section 26(2)
\(^9\) Land (Planning and Environment) Act 1991, section 9
\(^10\) Land (Planning and Environment) Act 1991, sub-section 26(2)
\(^11\) Land (Planning and Environment) Act 1991, section 29
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SUMMARY OF RECOMMENDATIONS

RECOMMENDATION 1
2.34 The Committee recommends that the proposed Variation to the Territory Plan No 259 proceed, subject to the recommendations below.

RECOMMENDATION 2
2.36 The Committee recommends that the scope of the term ‘convenient shopping and personal services’ be better defined in the Territory Plan.

RECOMMENDATION 3
2.42 The Committee recommends that the ACT Commercial Waste Industry Code of Practice and the Environment Protection Regulation 2005 be reviewed insofar as they regulate the hours during which waste can be collected from the Mixed Services Area in Phillip and others as appropriate.

RECOMMENDATION 4
2.56 The Committee recommends that additional Community Facility and/or public land be identified in Sections 23 and/or 104 and in Blocks 1 and/or 4 of Section 35.

RECOMMENDATION 5
2.64 The Committee recommends that as part of its proposed Climate Change Strategy, the ACT Government consider the provision of financial or other incentives for buildings that are outstanding under the Green Building Council’s Green Star Energy rating methodology for new commercial and multi-storey residential buildings and/or in relation to the Australian Building Code.

RECOMMENDATION 6
2.65 The Committee recommends that the Planning and Land Authority require the joint venture partners in the Woden East Estate to provide incentives for native gardens of predominantly local provenance.

RECOMMENDATION 7
2.66 The Committee recommends that the Planning and Land Authority require the joint venture partners to develop a mechanism for dealing with graffiti, litter and shopping trolleys in the Woden East Estate for a prescribed period, such as ten years, as a condition of the development approval.
RECOMMENDATION 8

2.70 The Committee recommends that the Planning and Land Authority amend the proposed extension of the Town Centre Commercial B precinct in Land Use Policy in Woden Town Centre to include Section 22, block 2, and remove the Phillip Public Pool overlay from Part B8: Entertainment, Accommodation and Leisure land Use Policies.

RECOMMENDATION 9

2.71 The Committee recommends that the Planning and Land Authority insert an Area Specific Overlay in Part 2B: Town Centre Land Use Policies - Commercial B for the Phillip Pool site to require that the lessee of Section 22 block 2 Woden continue to provide a public 50 metre pool and an ice skating rink.

RECOMMENDATION 10

2.74 The Committee recommends that the site of the Phillip Pool and Ice Skating Rink be included in the proposed detailed master plan for the Phillip Oval site.
1 INTRODUCTION

1.1 This report deals with two proposed variations to the Territory Plan:

- Draft Variation No 259: Woden Town Centre Commercial B – Changes to Precincts Entertainment Accommodation and Leisure, Restricted Access Recreation Land Use Policies; All Town Centres Changes to Appendix II and Commercial B Precinct ‘c’; and
- Draft Variation No 262: Changes to A10 Residential Core Area for Narrabundah.

1.2 Draft Variation No 262 is minor and the Committee will make no recommendations in relation to it.

Background

1.3 Woden Town Centre was designed in the 1960s as one of Canberra’s satellite town centres. It was initially designed around distinct zones for retail activity, car parking, offices, and sport and recreation, with a spine for pedestrian use. The concerns that emerged after its construction continue today. These include:

[T]he isolation of different sectors, the lack of activity outside normal business hours, the sea of cars surrounding the core, a lack of conveniently located parking, the sense of a ‘concrete jungle’ and the general absence of a civic role that a town centre would normally play in the life of the community.\(^\text{12}\)

Recommendations of the Woden Town Centre Master Plan

1.4 The Woden Town Centre Master Plan was released as a draft in 2003, and was finalised in 2004 following public consultation. It recommended that the Territory Plan be varied consistent with its recommendations. The changes identified included that the:

- northern entertainment accommodation and leisure precinct and

\(^{12}\) ACT Government, Planning and Land Authority, Urban Projects, 2004, Woden Town Centre Master Plan, ACT Planning and Land Authority, Canberra, pviii
restricted access open space precent in Phillip be varied to permit offices and residential land use on the upper floors of buildings to provide an additional incentive for expensive infrastructure, such as the swimming pool, ice skating rink, Phillip Oval and squash courts, to be upgraded;

- 1:1 plot ratio in the Phillip Mixed Services Area be removed and replaced with performance-based assessment that will satisfy urban design, on site parking and amenity considerations;
- building heights be controlled to ensure the main building spine, Town Square and other public spaces remain substantially sunlit, particularly between noon and 2pm in mid-winter;
- three storey (with a maximum four storey with loft) residential development be permitted in parts of the Phillip Mixed Services Area subject to approval of a Section Master Plan;
- maximum 10 storey development be permitted on the western edge of the B1 residential area along Yarralumla Creek;
- ground level retail activity be permitted outside the retail core to help activate areas;
- Blocks 6 and 11 Section 81 be made subject to Town Centre precinct ‘b’ rather than precinct ‘d’; and
- precincts ‘a’ and ‘b’ be extended as recommended.13

1.5 Other conclusions in the Woden Town Centre Master Plan that did not require variations to the Territory Plan concerned the timing of the release of Territory-owned land, and further studies and planning processes.

Features of DV259

1.6 DV259 responds to the concerns and aspirations articulated in the 2004 Woden Town Centre Master Plan,14 but it also proposes several changes to all town centres. Appendix A provides the Part 2B Town Centre Land Use Policy Commercial B, and Appendix B provides a figure of current land use policies for Woden Town Centre. Appendix C notes the land use policies proposed in DV259.

1.7 DV259 proposes to replace the current B8 Entertainment Accommodation and

13 Woden Town Centre Master Plan, p119
14 ACT Government, ACT Planning and Land Authority, Urban Projects, 2004, Woden Town Centre Master Plan, ACT Planning and Land Authority, Canberra
Leisure Land Use Policy\textsuperscript{15} applicable to the north-west area of the Woden Town Centre on land north of Launceston Street, with Commercial B precinct ‘b’ land use policy.\textsuperscript{16} It also replaces the current Restricted Access Recreation Policy around the perimeter of the existing enclosed oval (Phillip Section 23 part Block 9) with Commercial B policy. The Public Land ‘Ph’ Overlay is also amended.

1.8 In relation to all town centres, DV259 omits the 1:1 plot ratio in the mixed use/precinct ‘c’ areas. In the Precinct ‘c’ Mixed Services Area in Woden, DV59 allows for 3–4 storey buildings in those with upper floor residential use,\textsuperscript{17} to create more flexible development options. Residential development and block amalgamation will be subject to an approved Section Master Plan and traffic study.

\textbf{FIGURE 1 – PHILLIP RESIDENTIAL AND MIXED SERVICE AREA}\textsuperscript{18}


\textsuperscript{16} Section 4.2, Part B2b Territory Plan, reproduced at Appendix A

\textsuperscript{17} with a fifth floor (e.g.) attic permitted at corners with Townsend St

\textsuperscript{18} A reproduction of Figure 6 in ACT Planning and Land Authority, \textit{Recommended Final Variation to the Territory Plan No. 259}, p13
1.9 DV259 also removes the requirement for a Preliminary Assessment when the defined decision relates solely to a proposed building exceeding 7,000² gross floor area [compared to the building it replaces] or 28 metres in height. This involves replacing the criteria for Mandatory Preliminary Assessment in Schedule II.I of Appendix II of the Territory Plan. The replacement text provides –

- ‘Within any land use policy area other than Commercial ‘A’ – Civic Centre and City Division (Figure 2 of the Territory Plan B2A) and any Town Centres, any proposal involving new building that would be more than 28 metres in height or has a gross floor area which exceeds by more than 7,000 square metres, the GFA of the building it replaces, if any.
- Within a Mountains and Bushlands; River Corridors; or Plantation Forestry Land Use Policy area, any building.’

1.10 This variation also proposes to substitute the current Figure 3 in Territory Plan Part B2B Town Centres Land Use Policies – Commercial ‘B’ with: PROPOSED WODEN TOWN CENTRE PRECINCTS
1.11 The current boundaries of the Commercial B precinct in the Woden Town Centre are amended by:

- extending the business area (Precinct ‘b’) to include land to the north of Launceston Street (Phillip Section 22 Block 1, Section 24, Section 104 and Section 23 Blocks 1-4) and the existing car parking areas (Precinct ‘d’) east of Callam Street (Phillip Sections 81, 108 and 156), but not including Section 22, block 2; and
- extending the retail core (Precinct ‘a’) eastwards towards Callam Street to incorporate existing business areas (Phillip Section 35 Blocks 1, 4 and 5,) and the existing car parking areas (Precinct ‘d’) to the south and west (Phillip Sections 13, 17, 19, 64 and 105).

1.12 The proposed variation also inserts new land use controls in the Territory Plan for the Woden Town Centre:

- development on existing car parks will only be permitted where publicly accessible public car parking spaces are replaced, in addition to the minimum number required under the ACT Parking and Vehicular Access Guidelines. Public access must be allowed to the development parking commensurate with the public car parking places lost to the development; and
- new residential buildings must be constructed to meet the criteria set out in Australian Standard AS/NZS 2107 – 2000 Acoustics – Recommended design sound levels and reverberation times for building interiors, and AS3671 – Acoustics – Road Traffic Noise – Building Siting and Construction [AS 3671–1989]19 so as ‘to achieve an acceptable noise environment for people living in areas that are affected by noise-generating activities’.

1.13 The variation also proposes to replace current land use controls for Precinct ‘b’ Business Areas for the Woden Town Centre with:

- ‘[s]hops shall be limited to a scale appropriate to providing convenient shopping and personal services for the local workforce and residents’;

19 The reference to [AS 2107 – 2000] is an identified update of the earlier standard referred to in the recommended variation [AS 2107 - 1987]: Ms Joyce Rajasekaram, email communication, 17 May 2006
- residential use will not be permitted on the land in Sections 23 and 104 surrounding and contiguous to Phillip Oval, and commercial use shall only be permitted on Section 23 if it is compatible with the operation of a day and night sporting oval;\textsuperscript{20} and

- the current plot ratio of 1:1 is deleted in the Woden Town Centre Precinct ‘c’ Mixed Services Area, as is ‘Figure 18 Phillip – Exclusions from Public Land’.\textsuperscript{21}

\textsuperscript{20} refer section 2.2.3 of the Recommended Final Variation

\textsuperscript{21} Following DV165– Open Space Network, Figure 18 should now read Figure 4. This will be amended in the Final Recommended Variation: Ms Janine Ridsdale, personal communication 23 October 2006
2 CONSULTATION COMMENTS

Statutory consultations

2.1 On 5 August 2005 the ACT Planning and Land Authority released DV259 for public comment until 19 September 2005.

2.2 In accordance with the Land (Planning and Environment) Act 1991, the ACT Planning and Land Authority also sought and considered the views of the National Capital Authority, the ACT Heritage Council and the Conservator of Flora and Fauna.

- On 18 August 2005 the National Capital Authority advised that the proposed variation to the land use policy change was not inconsistent with the National Capital Plan. The retention of the Intertown Public Transport Route, as required by the National Capital Plan, was noted.

- On 16 May 2005 the ACT Heritage Council identified many identified places of heritage value in the Woden Town Centre, which were then being assessed for listing on the ACT Heritage Places Register. The Council Secretary, Dr Sandy Blair, noted that the Woden Town Centre Master Plan had recommended that the heritage values in the town centre be further investigated with a view to capitalising on those to promote and create an enhanced sense of place in Woden.

- On 16 May 2005 the Conservator of Flora and Fauna advised that Canberra Urban Parks and Placed did not support any extension of Commercial B land use policy that would encroach on Phillip Oval (Block 9 Section 23) as a Restricted Access Recreation area and an enclosed oval.

2.3 In response to the written submissions made to the ACT Planning and Land Authority during the consultation period, the Authority amended the proposed variation. It made minor amendments to the site description; amended the layout and text concerning land use restrictions and controls, included noise attenuation controls in residential areas in the town centre and
clarified car-parking provisions.\textsuperscript{22} The issues raised in submissions to the Authority, and the Authority’s response, are summarised in Table 1:


<table>
<thead>
<tr>
<th>Stakeholder comment</th>
<th>Response by the ACT Planning and Land Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>DV259 is a welcome implementation of the Woden Town Centre Master Plan and will rejuvenate the area.</td>
<td>The Master Plan did not specifically propose a change to Commercial B2B Land Use Policy for the pool site. Land uses compatible with an open space setting, such as small-scale office use would be appropriate. Uses such as a club, tourist accommodation, gym, childcare, and health facility are already permitted. A separate variation with a site concept plan is needed.</td>
</tr>
<tr>
<td>The Woden Town Centre Master Plan recommended that the Entertainment, Accommodation and Leisure and Restricted Open Access precincts be amended to permit office and residential land use on upper floors, to provide an incentive for expensive infrastructure, like the swimming pool, to be upgraded. The Phillip pool site has been excluded from the proposed Commercial B precinct ‘b’ land use policy</td>
<td>V226 created the 8M Area Specific Overlay for the Phillip Pool site. An increase in height would need to be justified with a development application incorporating a design response report. No change in the variation is required.</td>
</tr>
<tr>
<td>A landmark building would be appropriate next to the Phillip pool site to enable the cost of required pool refurbishments to be offset. Overshadowing is not a problem given corner location.</td>
<td>Residential use is permitted across the town centre and is noted in the proposed variation.</td>
</tr>
<tr>
<td>Residential use should be specifically mentioned in the proposed variation.</td>
<td>Residential use is specifically mentioned in the proposed variation.</td>
</tr>
<tr>
<td>Noise attenuation measures should be required in buildings refurbished for residential use.</td>
<td>The ACT Apartment Guidelines specify noise attenuation measures to protect residential amenity for new residential developments and refurbishments.</td>
</tr>
<tr>
<td>Comprehensive planning studies can be as expensive as Preliminary Assessments and should not replace the latter.</td>
<td>Planning studies deal with planning issues on local, regional, or larger scales, and are an essential component of the Development Application process.</td>
</tr>
<tr>
<td>Section Master Plans should not be an onerous obligation for developers</td>
<td>The Planning and Land Authority usually assists with the development of Section Master Plans which are more detailed than the overarching Master Plan</td>
</tr>
</tbody>
</table>

\textsuperscript{22} ACT Planning and Land Authority, \textit{Recommended Final Variation to the Territory Plan No. 259}, p7
A parking strategy for the Woden Town Centre is needed, supported by special parking levies.

<table>
<thead>
<tr>
<th>The Variation should require that equivalent publicly accessible parking be provided where a development displaces existing parking.</th>
<th>Agreed, and incorporated in final recommended variation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Canberra Lions Club Woden Southside Markets (currently using Block 7, Section 15) will need to be relocated if the carpark is redeveloped.</td>
<td>Noted. Alternative sites have to be identified and licensing negotiated similar to that done for the Rotary Club at Jamison.</td>
</tr>
<tr>
<td>The Canberra Lapidary Club faces closure unless alternative venue can be provided for its activities.</td>
<td>If the club has to relocate, Property ACT can advise of suitable available properties.</td>
</tr>
<tr>
<td>The description of the site and technical wording needs amendment.</td>
<td>Noted and incorporated in final recommended variation.</td>
</tr>
<tr>
<td>Woden Town Centre lacks a community centre and arts and cultural facilities. The Woden Valley Community Council recommends that community facility land use be applied to Section 23 and/or Section 104 and Block 1 and/or Block 4 in Section 35.</td>
<td>A community facility is identified in the Preliminary Assessment for Section 35 (bus interchange site).</td>
</tr>
<tr>
<td>The inter-town transport route is overlaid with Commercial B land use in part.</td>
<td>Any development approval will be contingent on protection of the inter-town transport route.</td>
</tr>
<tr>
<td>Residential land use should not be allowed in Sections 22 and 24 within 50 metres of Irving Street to protect continued use of Phillip Oval.</td>
<td>Noted. Agree in relation to Section 104 but residential development could be managed under ACT Apartment Guidelines for Sections 22 and 24.</td>
</tr>
<tr>
<td>Green space will be lost under DV259. Woden Town Square, Block 2 Section 13 and part of Section 104 should be retained as public land. Block 2 Section 44 Phillip should also be open space. Many parts of Woden Town Centre need woody weeds removed.</td>
<td>Public space will be retained at Town Square, Forecourt and link to Town Park, North Walk, Eastern part of Block 58, and Phillip Oval. Block 2 Section 44 is open space and car park.</td>
</tr>
<tr>
<td>Naturalisation of Yarralumla Creek should be addressed in DV259.</td>
<td>This can be considered as part of development applications.</td>
</tr>
<tr>
<td>A Preliminary Assessment should be required for the redevelopment of the Entertainment, Accommodation and Leisure Precinct.</td>
<td>A Preliminary Assessment will be required as would design response reports for individual development proposals.</td>
</tr>
<tr>
<td>Revenue from the sale of public land should be reinvested in community</td>
<td>ACT Treasury allocates funding in the ACT Budget.</td>
</tr>
</tbody>
</table>
Committee consultations

2.4 The Minister for Planning, Mr Simon Corbell MLA, referred DV259 to this committee for inquiry and report on 12 April 2006, pursuant to the Land (Planning and Environment) Act 1991 (ACT).

2.5 The Committee resolved on 28 April 2006 to invite submissions by way of advertisements and correspondence, with a closing date of 2 June 2006. The Committee, by letter, invited a wide range of stakeholders to express their views, and an advertisement appeared in The Canberra Times and The Chronicle on 6 and 9 May 2006 respectively.

2.6 The Committee received 5 submissions on the proposed variation.

2.7 On 13 June 2006 the Minister for Planning and ACT planning officials, and invited stakeholders attended a public hearing and responded to Members’ questions. Those who met with the Committee are listed in Appendix D.

2.8 The key issues raised in submissions and during the Committee’s public hearing are discussed below:

Heritage

2.9 Two submissions suggested that DV259 does not give due attention to the culturally significant built heritage of the Woden Town Centre documented in previous heritage studies (e.g. Eric Martin & Assoc., 2002). Stakeholders suggested that Callam Offices should be conserved for its cultural significance, as should the Phillip Health Centre and Library; the main pedestrian spine from Woden Square northwards between the office building; the open space link to the east including Woden Town Park; Arabanoo and

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23 Sub No 1
Eddison Parks; and the Margel Hinder and Lollipop Sculptures.

2.10 In response to correspondence dated 15 June 2006 from the Committee, the Minister for Territory and Municipal Services, Mr John Hargreaves MLA, advised on 17 July 2006 that the ACT Heritage Council had provided formal advice to the Planning and Land Authority on the heritage places in the Woden Master Plan, including Callam Offices, which were being assessed. The Authority would liaise with the Heritage Council at the appropriate stage in respect to any redevelopment proposals to ensure measures for the protection of places with heritage significance are considered, and where appropriate, implemented.24

2.11 The Minister for Planning confirmed to the Committee that the land use policy applicable to Callam Offices would not change, and that its heritage listing was under consideration in June 2006. The Minister also noted that there was some scope for enhancing the heritage recognition of significant buildings in Woden, and for improving signage and heritage walks in the area, but not if that held back the redevelopment of some very old buildings without design merit that needed to be upgraded to retain very significant Australian Government tenants.25

Urban revitalisation

2.12 One submission commented on the contribution DV259 would make to improve the Woden area, and in particular the rejuvenation of the Mixed Services Area.26 An alternative view was also put, that residential development in the Mixed Services Area may force out existing businesses such as motor vehicle servicing and repair businesses, which should be retained.27

2.13 Other views expressed in submissions included that:

- the intertown transport route needs to be clarified;28

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24 Letter from the Minister for the Territory and Municipal Services, Mr John Hargreaves MLA to the Chair of the Committee, dated 17 July 2006
25 Transcript of Evidence, 13 June 2006, pp5–6
26 Sub No 2
27 Sub No 3
28 Sub No 2
- residential development in Sections 22 and 24 facing onto Irving Street may be incompatible with a fully-functioning Phillip Oval and should not be permitted within 50 metres of Irving Street;\(^{29}\)
- public open space green areas,\(^{30}\) including public parks accessible to workers at the town centre, should be provided. Section 13 Block 2, part section 104 near Phillip Oval, Section 8 Block 77, Block 2 Section 44 and the entrances to Woden Town Square (including Block 67) should be declared public land;\(^{31}\)
- DV259 should identify restoration of Yarralumla Creek as a linear swale park with offline ponds, pools and rifles, macrophytes and shallow zones;\(^{32}\)
- DV259 should clarify whether a section plan or Preliminary Assessment will be needed for the northern entertainment accommodation and leisure precinct, although the removal of Preliminary Assessments for very large buildings was supported and was consistent with the planning system reform project.\(^{33}\) Another submission suggested that the scale and general amenity of the town centre may change because of the removal of height restrictions in precinct ‘b’ areas, and the removal of requirements for Preliminary Assessments for very large buildings.\(^{34}\) This submission also suggested that a height limit of no more than 6 storeys should be applied to developments along Melrose Drive north of Phillip Oval;\(^{35}\) and
- the ACT Planning and Land Authority should have to justify publicly its policy of placing tall marker buildings, with minimal setbacks, on the edges of developed areas in the Woden Town Centre, as this exacerbates the crowded and ‘overbuilt’ feel already resulting from the Skyplaza and Centroplaza buildings.\(^{36}\)

2.14 The Minister advised the Committee that the redevelopment of the bus interchange and old police station site would occur incrementally over a

\(^{29}\) Sub No 2
\(^{30}\) Sub No 3; Transcript of Evidence, 13 June 2006, p20
\(^{31}\) Subs No 2 & 3
\(^{32}\) Sub No 2
\(^{33}\) Sub No 2
\(^{34}\) Sub No 3
\(^{35}\) Sub No 3
\(^{36}\) Sub No 3
number of years and would likely involve a combination of public and private investment. Relevant issues had been canvassed in the Woden Town Centre Master Plan,37 and preliminary discussions had been held with the owners of the Woden Plaza. The provision of accommodation for community facilities (such as a youth meeting place or a multi-functional community space),38 as discussed in the Preliminary Assessment, could be included in conditions for the future development of land by the private sector.39

2.15 The Minister and senior planning officials explained the effect of the removal of the 1:1 plot ratio. That arbitrary restriction requires for example, that a two-storey building with a 500m² footprint only occupy 50% of a 1,000m² block, and that it not include a carpark of 100m² because that would take the ratio to 1:1.1. It would permit higher-order development by increasing the permitted density of buildings. It would enable a relatively new type of residential development to be located above some service-trades activities which were declining in importance because of the maturing of the Woden area. It would also loosen the requirement that higher order uses be restricted to the commercial core of the town centre.

2.16 The Minister explained that the streets in the Phillip Mixed Services Area ran east-west and so were particularly suited to residential development because of their northern orientation. The maximum height of four stories along the street, with a maximum of four plus loft on the corners, was intended to ensure that at least 50% of the area would be open to the sun in mid-winter. The area would be a sunny transition area contrasting with the heavy urban core of the Town Centre proper.40

2.17 The Minister also advised the Committee that the Land Development Agency would be releasing land for the Woden East residential estate once associated road works had been completed. The Land Development Agency has requested potential joint venture partners to propose ways to improve water

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37 Woden Town Centre Master Plan, pp25–30 and 78–84
39 Letter from the Minister for Planning, Mr Simon Corbell MLA, to the Committee Chair, Mr Mick Gentleman MLA, dated 14 July 2006.
40 Transcript of Evidence, 13 June 2006, pp7–9
quality along Yarralumla Creek using off-line ponds, as has been done with the pond on Sullivans Creek in O’Connor.41

Parking

2.18 Several submissions to the Committee highlighted parking issues. One suggested that a new parking strategy is needed for the town centre. The views expressed were that:

- Public carparking lost at Phillip Oval should be replaced and doubled, and revenue from change of use charges could be used to support the provision of structured carparking,42 and
- new developments should have to demonstrate that the development does not adversely affect the overall function of the town centre in terms of economic, social, traffic and parking, and urban design impacts.43 A Traffic Strategy is needed to prevent congestion.44

2.19 The Minister for Planning provided the Committee with several documents regarding the parking strategy for Woden. These were:

- extracts from the Woden Town Centre Master Plan – sections 3.9 and 5.10;
- a design study and parking master plan for Block 4 Section 9 Phillip and Block 1 Section 7 Phillip; and
- notes on parking problems created by current construction projects.45

2.20 The Minister and officials advised the Committee that new car park structures would be built in Woden but that their location was partly dependent on where the next federal government offices were located.46

41 Transcript of Evidence, 13 June 2006, pp13–14
42 Sub No 2
43 Sub No 2
44 Sub No 3
45 Letter and attachments from the Minister for Planning, Mr Simon Corbell MLA, to the Committee Chair, Mr Mick Gentleman MLA, dated 14 July 2006.
46 Transcript of Evidence, 13 June 2006, p11
Phillip Oval

2.21 Phillip Oval is retained under the proposed variation as public land. Residential use will not be permitted on the land in Sections 23 and 104 surrounding and contiguous to Phillip Oval, and commercial use will only be permitted on Section 23 if it is compatible with the operation of a day and night sporting oval.47

2.22 The Minister for Planning advised the Committee that in the medium to long term, Phillip Oval was a valuable, centrally located site, and a strategic recreational asset that should be maintained for the Territory.48 The need to re-energise Launceston Street but not to permit conflicting land uses, such as residential adjacent to a noisy well-lit oval, was well recognised.49

Phillip Pool and Ice Skating Rink

2.23 Submission No 4 argued that Section 22 Block 2 should be included in the commercial 'b' zone applicable to the rest of the northern entertainment accommodation and leisure precinct so as to permit a broader range of development opportunities to subsidise the refurbishment of the Phillip pool (including office, commercial and residential up to 10 storeys in height).50 The Committee was advised that the pool is not generating enough revenue to cover its operating and capital costs. More than $2 million is needed to make the pool just useable, as it has a major crack down its spine and is leaking water into the groundwater.51

2.24 Mr Tony Adams, for the lessee of the Phillip Pool site, Glenorca Pty Ltd, explained that several re-development concepts had been developed diagrammatically, to demonstrate what might be possible if the current restricted land use policy is amended. Mr Adams provided a scale model to demonstrate the preferred design of a new complex with a mixed-use high-rise

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47 refer section 2.2.3 of the Recommended Final Variation
48 Transcript of Evidence, 13 June 2006, p4
49 Transcript of Evidence, 13 June 2006, pp4–5
50 Sub No 4
51 Transcript of Evidence, 13 June 2006, pp27–28
building on the site.52

2.25 The Minister for Planning advised the Committee that an 8M Area Specific Policy requiring the existing Phillip pool facility to remain accessible to the public into the future was applied to Section 22 Block 22 in July 2004. The Variation inserted a clause in the Territory Plan Written Statement that prevents a lease variation being approved (for additional development) unless a 50-metre swimming pool is maintained and operated on the site and made available for public access. The Minister acknowledged that the future provision of a public pool in Phillip may depend on some form of redevelopment being pursued in order to cross-subsidise the operational costs of the pool, but in his view the pleasant amenity provided by the open grassed and treed areas needed to be maintained.53

2.26 The Minister further advised the Committee that the Commercial B – Precinct ‘b1’ land use policy had not been applied to the site because he considered that this would be premature ‘without a more comprehensive planning study being undertaken to investigate and address the issues relating to any development intentions for the site proposing residential use,’ and that the community had to be consulted about such a proposal.54

2.27 In response to a Committee request, the Director of Sport and Recreation and Corporate Governance in the Department of Territory and Municipal Services, Ms Sue Marriage, suggested that the application of a Commercial ‘b’ land use policy to Section 22 Block 2 would be reasonable given the need to generate funds to offset development and maintenance costs for major community infrastructure. She emphasised the importance of the Phillip Pool for competitive and recreational swimming in Canberra, and of the ice rink for ice sports in the ACT. Ms Marriage advised:

[T]he Phillip Pool is acknowledged as a valuable asset for competitive and recreational swimming in Canberra, which is the reason for requiring ongoing provision of a 50 metre pool in the lease for this block. Its retention on this strategic location is vital for the local community. The

52 Transcript of Evidence, 13 June 2006, pp26–27
53 Letter from the Minister for Planning, Mr Simon Corbell MLA, to the Committee Chair, Mr Mick Gentleman MLA, dated 14 July 2006; Transcript of Evidence, 13 June 2006, p14
The current ice rink apparently operates viably and we would strongly support the incorporation of a full size ice rink (60 metres by 30 metres) in any redevelopment. A full size rink is important as it allows the facility’s use for national and/or international standard events. Any compromise may limit Canberra’s future capacity to attract and cater for such events. With only one ice facility in the city, it is important to maximise these opportunities. In addition to the sport and recreation opportunities provided, co-location of an ice rink can provide energy efficiencies through the use of waste heat from ice making to be used to heat pool water. Some shared use of amenities, café and a crèche would also offer design and operational efficiencies.

… [I]t … makes little sense to plan a major reconstruction unless it provides for enclosure to enable year round use. An enclosed pool meets a range of community needs much more comprehensively, while creating a more viable business proposition. It allows a much greater range of physical programming activities, including aquarobics, lap swimming and combination with gymnasium-based programs. Competitive swimming and learn to swim programs could also operate all year round.

Aesthetically, for traders, business clients, residents and office workers on the site, an outdoor pool sitting idle for six or seven months a year would also be quite unattractive.

Typically, an indoor pool with the usual ancillary activities such as a gymnasium, crèche, café and swim school should cover its recurrent costs and produce a surplus, the extent of which may vary depending on the components in the centre and their relative size. A redeveloped Phillip Pool should readily fit this model.

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54 Letter from the Minister for Planning, Mr Simon Corbell MLA, to the Committee Chair, Mr Mick Gentleman MLA, dated 14 July 2006.
Enclosure of the pool would reduce the importance of overshadowing of the site but some degree of solar access would be desirable. Design of the pool roof structure could allow for some use of natural light, and operable glass wall panels could give users access to outside areas when weather conditions permitted. The design of the buildings on the site would need to ensure that entry to the pool and its use was inviting as a public facility and not seen as some form of private domain.

... Whatever development eventuates on the Phillip Pool site, it is essential that it is planned in harmony with the future use of the Phillip Oval site. These two major facilities form key components in the long term future of the northern precinct of the Woden Town Centre. They provide major nodes for generating vitality and activity and must operate in a synergistic manner to gain the greatest community benefit. It is understood that ACTPLA is proposing to undertake in the near future a detailed master plan of the Phillip Oval site and its immediate environs and cross referencing with the Philip Pool site planning will be vital.55

Facilities for community groups and activities

Two submissions suggested that DV259 needed to focus more on the community, cultural and civic aspects of the Woden Town Centre.56 The view was expressed that a community centre for arts, cultural and community activities is needed in the Woden Town Centre on designated community facility land, preferably in Sections 23 and/or 104 (for a community centre) and in Blocks 1 and/or 4, Section 35 (for a cultural/arts centre). It was noted that this would be consistent with the Canberra Social Plan.57 One submission suggested that funds from the sale of public land and change of use charges should be re-invested in local community infrastructure.58

55 Advice to the Committee from Ms Sue Marriage, Director, Recreation Services, Department of Territory and Municipal Services, dated 19 October 2006
56 Subs No 2 & 3
57 Sub No 2
58 Sub No 2
2.29 The Minister for Planning advised the Committee that Property ACT in the Department of Territory and Municipal Services manages ACT Government owned properties that are available for rent by community groups. Its policy is that while the provision of suitable space cannot be guaranteed, the policy allows for community groups to be given priority over commercial activities in appropriate circumstances.

2.30 On 19 October 2006 the Committee was advised that Property ACT had offered the Canberra Lapidary Club accommodation at the old Lyons Depot.59

Committee comments

2.31 The Committee supports this proposed variation to the Territory Plan as it should stimulate a significant re-invigoration of the Woden Town Centre. It also streamlines planning requirements in other town centres. It will diversify the land uses in the Woden Town Centre, and free up the zones of activity that contribute to the emptiness of much of the Woden Town Centre after business hours.

2.32 The Committee is aware that industry associations and property developers welcome the easing of height restrictions in town centres and would like to see Canberra’s skyline marked with even higher buildings than is currently permitted.60 The architect of Parliament House, Mr Romaldo Giurgola is reported to oppose the high-rise push, arguing that high-rise buildings bring social problems and segregation and increase crime in ‘dead’ areas.61

2.33 The Committee considers that much can be done with innovative urban design. Senior planners in the Planning and Land Authority have explained to the Committee in relation to an earlier inquiry that buildings can be made to seem open and permeable if glassed thoroughfares are created on their ground floor, for example, and increasing residential density adjacent to town centres

59 Advice from advisor to the Minister for Territory and Municipal Service, Mr Geoff Gosling, 19 October 2006
60 John Thistleton 2006, ‘Let Civic go to 30 storeys and compete, says council’, The Canberra Times, 12 September, p4
61 John Thistleton 2006, ‘Reaching for the sky’, The Canberra Times, 16 September, p5
and business centres can enliven those centres.

**RECOMMENDATION 1**

2.34 The Committee recommends that the proposed Variation to the Territory Plan No 259 proceed, subject to the recommendations below.

2.35 The Committee considers that some of the terms used in DV259, and elsewhere in the Territory Plan, require better definition. The term ‘convenient shopping and personal services for the local workforce and residents’ for example, should be better defined. The Committee understands that the term, and particularly the scale of any proposed shop, would be interpreted in view of the objectives of the zone, but a better definition would reduce the likelihood of future legal challenge.62

**RECOMMENDATION 2**

2.36 The Committee recommends that the scope of the term ‘convenient shopping and personal services’ be better defined in the Territory Plan.

**Rejuvenation of Mixed Services Area**

2.37 The Committee welcomes the proposed rejuvenation of the Mixed Services Area and notes that noise attenuation measures will be required for new residential buildings.

2.38 The Committee notes the view expressed by the Woden Community Council and Professor Stewart that it is desirable to maintain diverse businesses in this area. The Committee does not consider that prescriptive controls should be provided however, as this is an issue strongly influenced by market considerations. Planning law and policy tends to permit a range of land uses within broad zonings.

2.39 The Committee considered the removal of Figure 18/4 Phillip – Exclusions from Public Land. This means that blocks 36, 39, 47 and 50 in the Phillip Mixed Services Area will be public land/open space, which is positive in amenity terms for the occupiers of adjacent buildings.

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62 Transcript of Evidence, 13 June 2006, p3
2.40 The Committee is mindful of the discomfort that conflicting land uses can generate for adjacent residents over time and when permitted land uses not previously activated, are activated. The Committee notes that the Woden Town Centre is classified as Zone B under the Environment Protection Regulation 2005. This means that commercial waste may be collected from the Mixed Services Area anytime from 2.00am to 10.00pm and need not comply with Zone Noise Standard during those hours, as permitted under Environment Protection Regulation 29. The Committee appreciates that the Department of Territory and Municipal Services recently disagreed with the Committee’s recommendation that commercial waste collection law and policy should be reviewed. The Government’s response to the Committee’s report on DV256–Kingston Group Centre Part Section 22 stated that:

The approach should rather be on planning and designing new developments in a way that specifically addresses these concerns. The planning and approval processes include controls on these issues which should be strictly complied with. Existing developments need to be addressed on a case-by-case basis to ameliorate the effects of servicing businesses where concerns exist.

2.41 The Committee notes that new residential buildings in Woden Town Centre will be required to comply with Australian Standard AS/NZS 2107 – 2000 Acoustics – Recommended design sound levels and reverberation times for building interiors and Acoustics – Road Traffic Noise – Building Siting and Construction [AS 3671–1989, but nevertheless considers that a review of waste collection hours in Mixed Services Areas is warranted.

RECOMMENDATION 3

2.42 The Committee recommends that the ACT Commercial Waste Industry Code of Practice and the Environment Protection Regulation 2005 be

63 Schedule 2, part 2.1
65 ACT Legislative Assembly 2006, Government response to the Standing Committee on Planning and Environment Report No 20: Draft Variation No 256–Kingston Group Centre Part Section 22, 22 August, available from the Committee Office
reviewed insofar as they regulate the hours during which waste can be collected from the Mixed Services Area in Phillip and others as appropriate.

Removal of Preliminary Assessment requirement

2.43 Section 114 of the *Land (Planning and Environment) Act 1991* requires the Minister to issue a notice requiring a Preliminary Assessment to be prepared if ‘a defined decision is of a class prescribed by the plan’. Schedule II.1 to Appendix II to the Territory Plan lists prescribed classes of defined decisions for the purposes of section 114 of the Act. In relation to ‘buildings’, Preliminary Assessments are mandatory for:

- All proposals involving a building:
  - 28 metres or higher, or
  - Within any other land use policy, where the proposed building has a gross floor area which exceeds by more than 7 000 square metres, the GFA of the building it replaces if any.66

2.44 DV259 proposes to amend Schedule II.1 of Appendix II by exempting buildings in all town centres from the mandatory Preliminary Assessment requirement. It should be noted, however, that this proposed amendment would not affect the discretionary power that is conferred on the Minister under section 113 of the Act to require that a Preliminary Assessment be prepared of the environmental impact of a development proposal.

2.45 The Committee agrees with the Minister and the Planning Authority, that the removal of mandatory requirements for Preliminary Assessments in the Woden Town Centre should not operate to the detriment of the natural environment. This is because town centre impacts (such as parking, overshadowing and wind effects) would be addressed in documents supplied with applications for development approval.67 Commercial ‘B’ land use policy also requires wind effects to be assessed for buildings higher than 19 metres to

determine in wind testing is needed, and wind testing is required for buildings higher than 28 metres.\textsuperscript{68} Moreover, Preliminary Assessments are likely to be abolished across the ACT next year, following passage of the planning reform legislation which proposes to replace Preliminary Assessments with more tailored impact assessments appropriate to the expected impact of a development proposal on matters specified in the legislation.

**Parks and public places**

2.46 The Committee agrees that special attention has to be paid to the creation of an improved sense of open space in Woden. The Committee agreed with Associate Professor Jenny Stewart that high-rise buildings can seem overwhelming and that pocket parks and other urban green spaces provided essential rejuvenation and reflection spaces for workers and others who spend time in the Woden Town Centre.

2.47 The Committee is impressed with the proposed Woden East Estate preliminary designs and considers that the parks proposed for that estate will enhance the amenity of Woden Town Centre.

**Heritage places**

2.48 The Committee agrees with several submissions that the cultural and heritage values of Woden need to be better recognised and enhanced to enrich its sense of place.

2.49 The Committee understands that the ACT Heritage Council was continuing to assess the Callam Offices heritage nomination in October 2006, and that it was likely to be considered by the Heritage Council for provisional registration on 7 December 2006. The Woden Health Centre and Library has also been nominated to the Heritage Register and assessment was at an advanced stage, as it was for the Woden Cemetery. Other sites had not yet been nominated in October 2006.

2.50 The Committee notes that anyone (including a member of the public or the Heritage Council) can nominate a place to the Register, and that nomination

\textsuperscript{68} Territory Plan 2002 Written Statement, Paragraph 2.6 PartB2b,
enhances the protection of a place or object in relation to developments that may adversely impact on that place or object. Once a nomination has been entered in ACT Government databases, potentially impacting development applications are then referred to the Heritage Council for comment. The Planning and Land Authority considers the Heritage Council’s comment when approving or refusing the development application.

2.51 The Committee cannot require that nominated places or places identified as having potential heritage significance be listed on the ACT Heritage Register and references to the places in the proposed variation will not protect those sites from development. The Committee does not support the application of area specific polices targeting places or objects of potential heritage value when the *Heritage Act 2004* (ACT) is the appropriate mechanism to use. The Committee also recognises that ACT Government funding programs can be accessed by community stakeholders wanting to promote local heritage values and celebrate places of identified value. Stakeholders’ implementation of the Woden Town Centre Master Plan will also contribute to this outcome.

**Community facilities**

2.52 The Committee agrees with the Woden Valley Community Council and Professor Stewart that the implementation of the Canberra Social Plan should be a higher priority for the ACT Government. The Committee recognises that the social aspects of ecologically sustainable development are just as important as the economic and environmental aspects. The Committee also notes that the redevelopment of the Woden bus interchange is likely to include a community facility, but that the Woden Valley Community Council has identified additional sites for community facilities.

2.53 The Committee notes that the ACT Government proposes to retain community facility zoning in the Territory Plan under the restructured Territory Plan following the passage of the Planning and Development Bill 2006.

2.54 The Committee notes that the Planning and Land Authority is proposing to undertake a master planning exercise for the Phillip Oval site and its environs. The Committee regards an assessment of community facilities in the Woden Town Centre as essential for this, given the zoning of the centre and the location of the Oval in the current B8 Entertainment Accommodation and
Leisure Land Use Policy area. When the B8 policy is replaced it will be important that community facilities not be lost.

2.55 The Committee does not support the development of a broadly-applicable hypothecation policy requiring land revenue and change of use charges to be invested directly in local infrastructure. However the Committee does support the increased use of development conditions requiring developers (whether public or private) to undertake off-site works to enrich the ecologically sustainable development of the area. Such conditions can be applied by the Planning and Land Authority under current legislation and the proposed Planning and Development Act as needs arise.

RECOMMENDATION 4

2.56 The Committee recommends that additional Community Facility and/or public land be identified in Sections 23 and/or 104 and in Blocks 1 and/or 4 of Section 35.

Woden East estate

2.57 The road works associated with the proposed Woden East estate were noted above. $200,000 was allocated in the 2006–07 budget for the construction of a new street – Wilbow Street – to link Callam Street to Easty Street. A bridge will be built over Yarralumla Creek; bicycle routes are to be extended; and a roundabout will be built to provide a turning point for the bus interchange as well as to provide access into the residential estate. These roadworks are integral to the redesign of the bus interchange.69

2.58 The Land Development Agency is expected to finalise a joint venture arrangement for the 500 dwelling estate in 2006–07.70

2.59 The 2005 Concept Plan for Woden East provides for nine development blocks, including seven with medium density residential units with a maximum of three-storeys; and two with up to 10 storey mixed use development. In open

space areas, high value significant trees are to be retained. A central park is to be maintained along the view line to the MLC Tower and Mt Taylor, and a linear park is to be created along Yarralumla Creek. Water sensitive urban design measures, including a pond, wetland, grass swales and a modified Yarralumla Creek (without the concrete drain) are to be included. Further studies were to be undertaken to ensure that floods will not pose any danger to the development.\textsuperscript{71}

2.60 In view of some of the comments expressed in submissions, the Committee took a particular interest in the proposed Woden East parks as these will help to alleviate the ‘concrete jungle’ feel of the area. The removal of the concrete drain and the restoration of a more natural creek with an adjacent pond and supplemental native tree plantings, and provision of informal seating, should significantly enhance the aesthetic appeal of the area. The retention of high value Elm trees in the more formally landscaped central park is also welcome. The boundary area of the cemetery will also include significant trees, as will the Hindmarsh Drive buffer zone.

2.61 The Committee is concerned however, that the potential of these parks to enhance the aesthetic values of the estate should not be eroded by poor-quality gardens and landscaping in the estate, litter, and abandoned shopping trolleys. The Committee is aware that some residential areas adjacent to town centres in other parts of Canberra tend to have problems with windblown litter, graffiti and trolleys, particularly where the housing is affordable and fewer residents live more sustainably by not having private motor vehicles.

2.62 The Committee also notes that under projected climate change, in Canberra average temperatures are expected to rise, and rainfall to decline or become more intensely delivered in storm events. In view of this it is important that residential development throughout Canberra be designed to promote energy savings and the mitigation of greenhouse gas emissions, and adaptively for the changing climate. Energy consumption can be reduced through improved solar orientation, heating, cooling, lighting and insulation of buildings. Currently heating and cooling accounts for about 39\% of residential energy

\textsuperscript{71} SMEC Australia Pty Ltd and McCann Property and Planning, 2005, \textit{Woden East Estate: Preliminary Assessment}, Canberra
consumption in Australia, and 15% of residential sector greenhouse gas emissions.72

2.63 The Committee understands that the ACT Government supports the work of the sustainability working group for the Australian Building Codes Board on national performance measures for sustainability in building codes and planning systems. The Committee would like to see both residential and commercial high-rise buildings in Canberra pursue leading-edge innovations in energy efficiencies in both heating and cooling systems. Financial or other incentives would be one way of promoting best practice in this area.

RECOMMENDATION 5

2.64 The Committee recommends that as part of its proposed Climate Change Strategy, the ACT Government consider the provision of financial or other incentives for buildings that are outstanding under the Green Building Council’s Green Star Energy rating methodology for new commercial and multi-storey residential buildings and/or in relation to the Australian Building Code.

RECOMMENDATION 6

2.65 The Committee recommends that the Planning and Land Authority require the joint venture partners in the Woden East Estate to provide incentives for native gardens of predominantly local provenance.

RECOMMENDATION 7

2.66 The Committee recommends that the Planning and Land Authority require the joint venture partners to develop a mechanism for dealing with graffiti, litter and shopping trolleys in the Woden East Estate for a prescribed period, such as ten years, as a condition of the development approval.

Phillip Pool and Ice Skating Rink

2.67 The Committee agrees with the Director of Recreation Services in the

Department of Territory and Municipal Services, Ms Sue Marriage, that it is of utmost importance that the Phillip Pool and Ice Skating Rink be retained and refurbished. This is essential for a range of social reasons such as promoting mental and physical health through physical activity, and to enable the continuation of the leisure and professional activities associated with a recreational and competitive sporting facility.

2.68 The Committee notes that the Woden Master Plan did not exclude the Phillip Pool site from the extended Commercial ‘b’ area it identified. It recommended that ‘the entire entertainment, accommodation and leisure and restricted access open space precinct’ be varied ‘to permit office and residential development at upper floor levels only’. The Master Plan noted that this would ‘provide an additional incentive to upgrade public infrastructure like the swimming pool, ice skating rink, Phillip Oval, restaurants and squash courts’.73

2.69 The Committee gained an insight into the significant commercial challenges facing the operators of 50 metre pools when it inquired into DV105 concerning the Oasis Leisure Centre in Deakin West.74 The increasing age of the swimming pools in the Territory exacerbate these challenges. In the Committee’s view, whilst amenity is important for a swimming facility this can be achieved without providing an open-air pool if a light-maximising design is applied. The Canberra International Sports and Aquatic Centre in Belconnen is an example of what can be achieved.

RECOMMENDATION 8

2.70 The Committee recommends that the Planning and Land Authority amend the proposed extension of the Town Centre Commercial B precinct b Land Use Policy in Woden Town Centre to include Section 22, block 2, and remove the 8M Phillip Public Pool overlay from Part B8:

73 Woden Town Centre Master Plan, p107
Entertainment, Accommodation and Leisure land Use Policies.

RECOMMENDATION 9

2.71 The Committee recommends that the Planning and Land Authority insert an Area Specific Overlay in Part2B: Town Centre Land Use Policies – Commercial B for the Phillip Pool site to require that the lessee of Section 22 block 2 Woden continue to provide a public 50 metre pool and an ice skating rink.

Phillip Oval

2.72 The Committee appreciates the value of the enclosed Phillip Oval to the ACT. Competition level Australian football and cricket players and supporters will enjoy this major sporting fixture once it has been restored. The facility should also generate increased spin-off economic activity in the Woden area.

2.73 The Committee welcomes the proposal to develop a detailed master plan of the Phillip Oval site.

RECOMMENDATION 10

2.74 The Committee recommends that the site of the Phillip Pool and Ice Skating Rink be included in the proposed detailed master plan for the Phillip Oval site.

Parking strategy

2.75 The Committee is satisfied that DV259 will not reduce available parking in the Woden Town Centre, but in any event recognises that encouraging an increased use of public transport is preferable to providing more public car parking. The Committee is of the view that increasing the residential density of the Woden Town Centre, consistent with the Canberra Spatial Plan, is one means of encouraging public transport use.
3 DRAFT VARIATION TO THE TERRITORY PLAN NO. 262 – CHANGES TO THE RESIDENTIAL CORE AREA FOR NARRABUNDAH

3.1 The Minister for Planning, Mr Simon Corbell MLA, referred the proposed variation to the Territory Plan No 262 – Changes to the Residential Core Area for Narrabundah to the Committee on dated 1 August 2006 for consideration.

3.2 The Committee notes that the proposed Territory Plan variation implements the Narrabundah Neighbourhood Plan in relation to the adjustment of the Residential Core Area.75

3.3 On 12 September 2006 the Committee agreed to attach a ‘no comment’ response on DV262 with its report on DV259–Woden.

Mick Gentleman MLA
Chair
October 2006

75 ACT Planning and Land Authority 2004, Narrabundah Neighbourhood Plan: A Sustainable Future for Narrabundah, Canberra, p36 and Drawing 2, p34
APPENDIX A: PART B2B TOWN CENTRES LAND USE POLICIES COMMERCIAL 'B'\textsuperscript{76}

1. OBJECTIVES

The objectives of the Town Centres (Commercial ‘B’) Land Use Policies are:

a) to provide the main focus for the district population for shopping, community and cultural facilities, entertainment and recreation;

b) to provide opportunities for business investment and employment whilst facilitating the decentralisation of employment from the Central National Area;

c) to encourage a mix of land uses, including residential uses, which contribute to an active and diverse character;

d) to provide an urban structure which is simple, legible and flexible;

e) to maintain and enhance environmental amenity and encourage a standard of urban design consistent with the function of the centre; and

f) to encourage activities particularly at street frontage level which contribute to pedestrian activity and social interaction.

\[\text{\ldots [Figures 1–4 omitted] \ldots}\]

2. CONTROLS

2.1 Land Use

Subject to the provisions of the Commercial ‘B’ (Town Centres) Land Use Policies below, land described on the Map as Commercial ‘B’ may be used for one or more of the purposes listed in the schedule below. The columns shown as a, b, c and d in the schedule refer to the precincts identified at Figures 1-4.

2.2 Depletion of Community and Recreation Uses

Proposals which would have the effect of depleting the range of community or recreational facilities available within the centre may be subject to mandatory Preliminary Assessment in accordance with Part IV of the Land Act (see Appendix II).

2.3 Main Pedestrian Areas and Routes

a) Main pedestrian areas and routes shall be retained unless it can be shown that as part of any change, the pedestrian access and circulation system is adequately maintained;

\[\text{\ldots}\]

b) The impact of any increased overshadowing of the main pedestrian areas and routes may be considered in assessing development proposals; and  
c) Retail uses, Display windows, Shop fronts and Business agencies, Clubs, Drink establishments, Financial establishments, Hotels, Indoor recreation facilities, Indoor entertainment facilities, Public agencies, Restaurants, Shops, Community activity centres and similar uses shall be encouraged along building frontages to main pedestrian areas and main pedestrian routes.

2.4 Design Consistency
Buildings and other physical elements shall reflect the design themes of the centre.

2.5 Building Colours and Materials
Building colours and materials shall be consistent with existing development within the particular town centre. Large areas of highly reflective glass shall not be permitted.

2.6 Wind Testing
Assessment of wind effects shall be required for buildings higher than 19 metres to determine if wind testing is needed. Wind testing shall be required for all buildings higher than 28 metres.

2.7 Rooftop Plant
Rooftop plant installations shall be an integrated part of the building design, shall generally be set back from the building facade and shall be screened as much as possible from public view.

2.8 Undergrounding of Electricity Lines
All new permanent or long term electricity supply lines shall be underground.

2.9 Tuggeranong Town Centre
a) Waterfront Areas in Tuggeranong Town Centre
All development on sites with a boundary to the lake foreshore shall require special consideration. This includes Sections 6, 45, 54, 57, 58 and 59. Uses, building design and access arrangements for cars and pedestrians for these developments shall be such that along the frontage facing the water, the development shall be attractive and promote pedestrian activity. This shall not be at the expense of also "addressing" other frontages as appropriate e.g. Anketell Street.

b) Main Street Frontages in Tuggeranong Town Centre
Development with a frontage to the principal streets, particularly Anketell Street and Soward Way, shall maintain as much as possible a continuous building line to the street, compatibility of scale and design treatment, and a sense of "address" (e.g. entries, active uses, windows, minimal blank walls).

c) Design Consistency
Masonry materials shall generally be of earth tones and roofs predominantly red to match existing roof scape. Pitched roofs and awnings shall be incorporated into the
building form where practical. Generally, pedestrian areas shall be treated with block paving to match existing paving.

d) Height
Buildings shall generally be no higher than 4 storeys.

2.10 Gungahlin Town Centre [V53]

a) Urban Design
i) Building forms, colours and materials shall provide human scale, harmony and variety.

ii) Ground floor levels of buildings shall be integrated with adjoining verge or finished site levels for easy access, with any necessary level changes occurring within property boundaries.

iii) Buildings shall be joined at party walls and be built to the front property boundary on a continuous alignment, although this alignment may vary to provide small spaces for activities along the main street.

iv) Buildings which front the streets in the retail core are articulated into narrow width modules except for community facilities and clubs, which may be wider where, circumstances require.

v) Buildings are generally built to the perimeter of street blocks with special architectural emphasis given to corner buildings and focal points to provide interest and variety.

vi) Visible frontages, including side or return elevations, shall be designed as part of the main building elevation. Corner alignments shall be chamfered, and provide entrances to activities within the buildings.

vii) Blank facades or open structure car parks on main pedestrian movement routes are not permitted.

viii) Corner buildings shall visually emphasise the corner with special architectural features.

ix) Primary and public entrances to buildings shall be provided from street frontages or main pedestrian areas or routes.

x) Street facades shall be articulated with elements such as awnings, balconies, emphasised entrances, verandahs, loggias, colonnades and like elements.

b) Building Height
Building height shall not exceed 4 storeys and shall not be less than 2 storeys (except for service stations, community facilities or ancillary structures, which may be one storey where circumstances require).

3. PUBLIC NOTIFICATION AND APPEAL PROVISIONS [V88]

Part VI of the Land Act makes provision for the public notification of development applications and for review of decisions relating to those applications by the Administrative Appeals Tribunal.
Exemptions from these provisions are set out in the Land (Planning and Environment) Regulations.

NB The text in this box is for information purposes only and is not intended to form part of the policy content of the Plan.

4. AREA SPECIFIC POLICIES

The Area Specific Policies identify specific objectives and/or controls relating to sub-areas within the overall Town Centres Land Use Policy Area. These sub-areas are identified on Figures 1 – 4.

4.1 Precinct 'a' - Retail Core

Objectives

a) to make provision for a range of retail and service outlets accessible to consumers;

b) to make provision for an efficient distribution of retail functions;

c) to promote evening and weekend activity;

d) to encourage the provision of an attractive pedestrian environment; and

e) to provide safe access to shops for pedestrians and for consumers by public and private transport.

Controls

a) Land Use Restriction

Service stations

Retail sales (excluding the sale, hire or display of automotive goods): Maximum gross floor area shall not exceed 150m².

b) Gungahlin Town Centre [V53]

i) Active frontages incorporating Business agency, COMMUNITY USE, Public agency, Restaurant, Shop, or similar uses shall be required at ground floor level building frontages along streets within the retail core;

ii) Business agency, Cultural facility, Office, RESIDENTIAL USE, Restaurant, Shop or similar uses shall be the only uses permitted on the first floor level of buildings within the retail core;

iii) Offices shall not be permitted above the first floor level of buildings in the retail core to encourage the development of residential and commercial accommodation uses above first floor;

iv) Retail "anchors" such as supermarkets and discount department stores shall be located on separate Sections (generally a maximum of one anchor per Section) to encourage a multiplicity of movement routes along the Main Street and to increase the viability of specialty retail at street frontages; and

v) Mid-Section public pedestrian walkways or "arcades", as shown in Figure 5, shall be provided with active frontages between Main Street and parking or other uses in the centre of Sections and may be covered.

[Figure 5: Gungahlin Main Pedestrian Areas and Routes] omitted
4.2 Precinct 'b' - Business Area

Objectives

a) to make provision for offices and business services within planned commercial centres;
b) to make provision for a wide range of office accommodation sizes and location in the town centres;
c) to make provision for a range of business and personal services within each centre;
d) to enable Commonwealth government departments to efficiently consolidate in town centres; and
e) to provide convenient services for the local workforce.

Controls

a) Land Use Restriction
Shops
Shall be limited to a scale appropriate to providing convenient shopping and personal services for the local workforce and residents.

4.3 Precinct 'c' - Mixed Services Area

Objectives

a) to make provision for a range of conveniently located service and relatively low rent commercial activities;
b) to accommodate retail-related uses requiring large floor areas; and
c) to provide for a wider range of commercial development in the Mixed Services precinct, provided that this development does not undermine the function of the retail cores and business areas of the town centres and the viability of the commercial hierarchy.

Controls

a) Building Height
The height of buildings shall not exceed 2 storeys.

b) Plot Ratio
The maximum plot ratio shall be 1:1.

c) Internal Malls
Internal retail arcades or retail malls shall not be permitted.

d) Land Use Restrictions
Shop [V140]s
The maximum gross floor area of a supermarket or shop selling food, other than produce markets, is 200m² per lease.

Service station
Retail sales (excluding the sale, hire or display of automotive goods): Maximum gross floor area shall not exceed 150m².

4.4 Precinct 'd' - Car Parking Area
Objectives
a) to ensure there is sufficient off-road parking to serve each centre;
b) to provide common car parking areas where it is not feasible or appropriate to require the full provision for car parking within a lease;
c) to provide common car parking areas on the periphery of centres to improve pedestrian access and safety within centres; and
d) to ensure that opportunities for parking structures are provided whilst allowing for compatible development.

Controls
a) Development in Car Parking Areas
Development which would displace existing car parking areas shall only be permitted where it can be demonstrated that overall provision to car parking to meet the needs of the centre as a whole is in accordance with the Territory’s Parking and Access Guidelines.

b) Land Use Restrictions
Land uses identified in schedule 1 as associated with a car parking structure may be permitted only when the above objectives can still be met.

Service station
Retail sales (excluding the sale, hire or display of automotive goods): Maximum gross floor area shall not exceed 150m².
### SCHEDULE 1

**TOWN CENTRES (COMMERCIAL 'B') LAND USE POLICIES**

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**NOTES:**

1. *Polices for which land may be used
2. *May be subject to a heritage assessment under the Land Act (see Appendix 8)
3. *Subject to Land Use Resolution (see clause 4)

*Without prejudice to the provisions of this schedule, land may be used for temporary uses, minor uses and uses ancillary to the principal use of the land, provided there is no conflict with the objectives in section 1.*
APPENDIX B: Current Territory Plan Policies

The existing land use policies for the area subject to this variation is shown in the figure below, and are explained in the introduction to this report.
APPENDIX C: Proposed Variation to the Territory Plan Map

The proposed Land Use Policy for the area subject to this variation is shown in this figure:
APPENDIX D: List of submissions and witnesses

The Committee received and authorised for publication the following submissions:

No 1 — Mr Graeme Trickett FRAIA, Chair RAIA ACT Chapter Heritage Committee
No 2 — Mr David Menzel, for Woden Community Council
No 3 — Associate Professor Jenny Stewart, University of Canberra
No 4 — Mr Tony Adams for CB Richard Ellis (V) Pty Ltd
No 5 – Mr Eric Martin, Director, Eric Martin and Associates, Architects

List of witnesses

The following witnesses met with the Committee at a public hearing on 13 June 2006:

- Mr Simon Corbell MLA, Minister For Planning
- Ms Dorte Ekelund, Deputy Chief Planning Executive, ACTPLA
- Mr Rod Baxter, Senior Project Officer, Urban Design and Projects Section, Strategic Planning and Land Services Branch, ACTPLA
- Mr Ben Ponton, Manager, Development Assessment & Territory Plan Variations, Statutory Planning and Development Branch, ACTPLA
- Ms Janine Ridsdale, Territory Plan, Statutory Planning & Development Services Branch, ACTPLA
- Mrs Heather Leonard, President, Lapidary Club of Canberra
- Ms Mavis Fowler, Vice President, Lapidary Club of Canberra
- Mr Michael Knight, Committee Member, Lapidary Club of Canberra
- Assoc Prof Jenny Stewart, University of Canberra
- Mr Tony Adams, CBRE Ellis, and Dr Wayne Houghton, Director, Glenorca Pty Ltd, Lessee Phillip Pool