

2010

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

GOVERNMENT RESPONSE TO THE
STANDING COMMITTEE ON PLANNING, PUBLIC WORKS AND
TERRITORY AND MUNICIPAL SERVICES - REPORT NO. 6

DRAFT VARIATION NO. 299

CHANGES TO ZONING AT LAWSON SOUTH
AND THE INTRODUCTION OF A STRUCTURE PLAN
AND CONCEPT PLAN

Circulated by the authority of
Minister for Planning
Mr Andrew Barr MLA

19 / 10 / 2010

Recommendation 1

The Committee recommends that Draft Variation 299 proceed, subject to the recommendations below.

Response

Noted.

Recommendation 2

The Committee supports the notion of increased density in Lawson South.

Response

Noted.

Recommendation 3

The Committee believes that there may be capacity for some areas of Lawson South to be RZ2 zoning rather than RZ1.

Response

Agreed in-principle.

Achieving a higher density of residential development at Lawson South is a key element of the proposed development controls and land use zoning for the area. The arrangement of RZ1, RZ4 and RZ5 land use zones within Lawson South also reflects the existing site features and proposed structure of the suburb including transport routes.

The intent of the RZ2 Suburban Core Zone in the Territory Plan is that it be applied to parts of existing suburbs around commercial centres and community nodes to encourage an increase in the density of dwellings over time. The zone is intended to facilitate redevelopment and is not intended to be applied to new suburbs.

For a new urban area, the desired density of dwellings can be established in the initial development stage. The increased density of development at Lawson South can be achieved within the existing RZ1 Suburban Zone development controls, permitting development of attached dwellings up to two storeys in height including multi-unit development. It is not essential that an RZ2 zoning be applied to allow this increased density.

It should also be noted that the variation applies a future urban area (FUA) overlay to the Lawson South area. This allows flexibility in the arrangement of land use zoning within the FUA, such that land use zone boundaries can be refined and confirmed through the detail design stage, consistent with the concept plan (precinct code).

Recommendation 4

The Committee recommends that the zone codes should reinforce the desired character of the streetscapes.

Response

Agreed in-principle.

The desired streetscape character for Lawson South is established through the precinct code and the density of development and design of public spaces. More broadly, the current residential subdivision development code seeks to establish a desired streetscape character for new areas, providing safe, convenient, accessible and attractive neighbourhoods that meet the diverse and changing needs of the community.

The broader review of residential codes being undertaken by ACTPLA is expressed in the current draft variation no. 303, released for public comment in June 2010. This draft variation proposes clearer statements of the desired character of each zone.

ACTPLA has been requested to consider the recommendation of the Committee in relation to draft variation no. 303.

Recommendation 5

The Committee recommends that the provision of space for community gardens should be a requirement of the development of Lawson South.

Response

Agreed.

The creation and operation of community gardens is dependent on the interest of local residents and the local community supporting these activities. While Government can facilitate the establishment of these types of community facilities in urban areas, it is not appropriate to require, through the Territory Plan that a facility be developed without an identified community need and in the absence of agreed management, licensing or leasing arrangements.

The Territory Plan policies can however require that opportunities for community gardens are provided in the design of public spaces. The Concept Plan requires that a community facilities site is to be provided in Lawson South, which can provide opportunities for community gardens. In addition, the future open space network is required to be flexible and adaptable to changing community needs, including opportunities for development of community gardens. The draft variation has been amended (Clause 17 of the Structure Plan) to require that the provision of open space includes consideration of areas to accommodate community gardens, taking into account the land area required, accessibility and the relationship to surrounding land uses.

Recommendation 6

The Committee recommends that trunk cycle routes for Lawson South be identified at the concept planning phase.

Response

Agreed in-part.

The concept planning for Lawson has identified existing cycle and pedestrian networks to and around the site and identified potential linkages to the new suburb. The concept plan identifies a movement network of shared paths through Lawson South that provides for efficient and legible connections to the trunk cycle network.

The trunk cycle network is administered by Territory and Municipal Services through the master plan for trunk cycling & walking path infrastructure. This identifies the main trunk network near Lawson South along Ginninderra Drive and around Lake Ginninderra.

The concept plan identifies these movement networks and the connections to the trunk network from the suburb. These networks and connections will be defined and confirmed through the estate development plan.

Cycling infrastructure, including on-road lanes, will be developed in Lawson South in accordance with Territory and Municipal Services design standards for urban infrastructure.

Recommendation 7

The Committee recommends that ACTPLA be substantially involved in the urban design of open space in Lawson South.

Response

Agreed.

The Department of Land and Property Services (LAPS) through the Land Development Agency (LDA) has responsibility for the detail design and development of Lawson South, in accordance with the provisions of the Territory Plan.

The Department of Territory and Municipal Services (TAMS) has ultimate responsibility for the design and maintenance of public open space on behalf of the ACT Government.

Established protocols for inter-agency consultation through the land development process ensure that ACTPLA is consulted during the design of future development areas and open space, ensuring consistency with the intent of the concept plan.

ACTPLA will also continue to have statutory responsibility for consideration of a development application for an estate development plan for each area of land development. This application and approval process includes the preparation of a landscape masterplan that specifies the provision and design of public open space.

Recommendation 8

The Committee recommends that ACTPLA provide details, in the Lawson South precinct code, on how a biodiversity offset approach will be implemented in Lawson South.

Response

Agreed in principle.

The Government agrees that a biodiversity offset approach be developed for Lawson South. However, it is not the role of the precinct code to specify the biodiversity offset approach that is to be applied. The approach is to be determined through agreement between ACT and Commonwealth Governments and may include areas outside of Lawson South.

The approach to biodiversity offsets will also form part of the preliminary documentation submitted to the Commonwealth Government for approval under the *Environment Protection and Biodiversity Conservation Act 1999*

for the development of Lawson South. Land development will be required to comply with any approval requirements including biodiversity offsets.

Recommendation 9

The Committee recommends that native grasslands, including *Stipa* species in the area near the electricity substation (under the powerlines) should primarily be maintained as native grassland.

Response

Agreed in principle.

The retention of any areas of native grasslands will form part of the consideration of the Commonwealth Government for approval under the *Environment Protection and Biodiversity Conservation Act*. This is the appropriate process to establish any requirement to retain existing threatened ecological communities and species habitat and establish any landscape conditions for their retention.

Retention of existing native vegetation and any complementary landscaping will form part of the detail landscape design which will be prepared in accordance with any Commonwealth Government approval.

Recommendation 10

The Committee recommends that further threatened species surveys be conducted prior to finalising planning of the new suburb and development of an Estate Development Plan, in order to provide further data on the presence of threatened species in Lawson South.

Response

Agreed in part.

Further ecological surveys have been undertaken in Lawson South during the 2009-2010 summer season, a time of high activity for some native species such as the Golden Sun Moth (*Synemon plana*). These surveys have contributed to the body of knowledge on the existing ecological conditions in Lawson South.

The impact on existing threatened species is the key consideration of Commonwealth Government approvals under the *Environment Protection and Biodiversity Conservation Act*. This is the appropriate process to consider the impact on threatened species, strategies to mitigate or offset any impacts and the suitability of the site for development.

Any further surveys or requirements for land development will be undertaken in accordance with advice and approvals under the Environment Protection and Biodiversity Conservation Act.

Recommendation 11

The Committee recommends that the design of lineal open space network in Lawson South should take into consideration the need for connectivity between wildlife corridors.

Response

Agreed.

The concept for Lawson South identifies an open space network that connects major existing open spaces and retains existing linear open space corridors, which integrate with urban development. Linear connections along the windbreak planting and College Creek through the site connect Reservoir Hill, the Lake Ginninderra corridor and the retained open space at Lawson North.

Detail landscape design will consider the connectivity provided by this network for wildlife as well as pedestrian and cycle accessibility.

Recommendation 12

The Committee recommends that the Minister for Territory and Municipal Services declare Lawson South to be an area where cats must be confined to their keeper's or carer's premises at all times under the *Domestic Animals Act 2000*.

Response

Agreed.

As noted by the Committee, this is not an issue that can be dealt with through the Territory Plan variation process. This issue has been referred to the Department of Territory and Municipal Services for consideration. Declaration of new cat containment areas can be implemented by Territory and Municipal Services through a disallowable instrument under section 18(1) of the *Domestic Animals Act 2000*.

Recommendation 13

Should Lawson North come under the management of the Department of Territory and Municipal Services, the Committee recommends that, at that time, the Minister for Territory and Municipal Services also declare Lawson North to be an area where cats must be confined to their keeper's or carer's premises at all times under the *Domestic Animals Act 2000*.

Response

Agreed.

As noted for recommendation 12 above, the issue has been referred to Territory and Municipal Services for consideration and for discussion with the Commonwealth, should development proceed in Lawson North.

Recommendation 14

The Committee recommends that a designated area for a playground be allocated within the recreational urban space that is not directly located near the waterways unless appropriately fenced and gated.

Response

Agreed.

The provision of playgrounds in urban areas is identified in the existing community and recreation facilities location guidelines general code, stating that a neighbourhood park including playground should be located within 400m of all dwellings. The Lawson South variation will require a number of neighbourhood playgrounds to be provided within the open space network. The location of these will be determined at the estate development plan stage and through detail design of the urban open space network.

The acceptable design and siting of play spaces is specified by the design standards for urban infrastructure maintained by Department of Territory and Municipal Services. The application of these standards ensures the provision of safe play areas separated from potential safety hazards such as waterways.

Recommendation 15

The Committee recommends that ACTPLA [sic] make greater use of on-site signage for new suburbs at the initial stages of planning to increase community awareness.

Response

Agreed.

ACTPLA seeks to inform the community of all consultation opportunities using the optimal methods for communication. This can include public notices in print and online, letterbox drops, direct letters to interest groups

and notices placed at activity centres in the area such as shops and community facilities. Signage within the affected area will be considered for future planning projects as part of the consultation process, noting this may not always be practical or appropriate due to the size and location of study areas.

As land is prepared for development at Lawson South, further consultation with the community will be undertaken by the Land Development Agency to increase community awareness of the development.

Lawson Commercial Zone and Local Centres

The Committee received a number of representations and made comments in relation to the gross floor area of any future supermarkets. In this regard, the Committee noted that the Minister for Planning has reconsidered the commercial provisions for Lawson South in light of the submissions. Accordingly, the Committee did not make a recommendation in relation to this matter.

Response

On 8 September 2010 the Minister for Planning, Mr Andrew Barr MLA directed the ACT Planning and Land Authority to consider revising the draft variation no. 299 to stipulate that the maximum supermarket size will be 700m² within a maximum commercial component of 1500m².

Accordingly, the draft variation has been amended to introduce restrictions on the size of commercial uses at the local centre in Lawson South, limiting the gross floor area (GFA) of a supermarket to 700m² and the total maximum gross floor area of commercial uses to 1500m².

Road Network

As noted by the Committee, the reference in the explanatory statement on page 10 under 'Road Network' has been amended to correctly refer to C22 b) iv).