

STANDING COMMITTEE ON PLANNING, PUBLIC
WORKS AND TERRITORY AND MUNICIPAL SERVICES

Variation to the Territory Plan No.299 Lawson South
Introduction of a Structure Plan, Concept Plan and Zone Changes

JULY 2010

Committee membership

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Resolution of appointment

On 9 December 2008, the ACT Legislative Assembly agreed by resolution to establish general purpose standing committees to inquire into and report on matters referred to it by the Assembly or considered by the committee to be of concern to the community, including:

(e) a Standing Committee on Planning, Public Works and Territory and Municipal Services to examine matters related to planning, land management, proposed capital works projects in the public sector, including works undertaken by territory owned corporations, municipal transport services, heritage and sport and recreation.

The Assembly agreed that each standing committee can consider and make use of the evidence and records of the relevant standing committee appointed during the previous Assembly.¹

The Assembly also agreed:

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

Terms of Reference

Section 73 (2) of the *Planning and Development Act 2007* states:

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

¹ Legislative Assembly for the ACT, *Minutes of Proceedings No. 2*, 9 December 2008, pp14–18, <<http://www.parliament.act.gov.au/downloads/minutes-of-proceedings/08MoP02.pdf>>

² Legislative Assembly for the ACT, *Minutes of Proceedings No. 2*, 9 December 2008, pp14–18, accessible at <<http://www.parliament.act.gov.au/downloads/minutes-of-proceedings/08MoP02.pdf>>

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STANDING COMMITTEE ON PLANNING, PUBLIC WORKS AND TERRITORY AND
MUNICIPAL SERVICES

RECOMMENDATIONS

RECOMMENDATION 1

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

RECOMMENDATION 2

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

RECOMMENDATION 3

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

RECOMMENDATION 4

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

RECOMMENDATION 5

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

RECOMMENDATION 6

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

RECOMMENDATION 7

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

RECOMMENDATION 8

3.32 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.

RECOMMENDATION 9

3.35 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.

RECOMMENDATION 10

3.41 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.

RECOMMENDATION 11

3.43 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.

RECOMMENDATION 12

3.49 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*.

RECOMMENDATION 13

3.50 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*.

RECOMMENDATION 14

3.53 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.

RECOMMENDATION 15

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

1 INTRODUCTION

- 1.1 Both Federal and ACT law and policy govern planning in the ACT. The Australian Capital Territory (Planning and Land Management) Act 1988 (Cwlth)³ establishes the National Capital Authority, which prepares and administers the National Capital Plan. The Act also enables the Legislative Assembly to make laws to establish a statutory planning authority – now the ACT Planning and Land Authority – and for that authority to prepare and administer a Territory Plan.⁴
- 1.2 The object of the Territory Plan is to ensure, in a manner not inconsistent with the National Capital Plan, the planning and development of the ACT provides the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation.⁵ The ACT *Planning and Development Act 2007* (the Act) requires the Territory Plan to set out the planning principles and policies for achieving its objective in a way that gives effect to sustainability principles, including policies that contribute to achieving a healthy environment in the ACT.⁶
- 1.3 The Territory Plan includes a statement of strategic directions, a map, objectives and development tables applying to each zone as well as a series of general, development and precinct codes. It also includes structure plans and concept plans for the development of future urban areas.
- 1.4 The Territory Plan Map graphically represents the applicable land use zones (under the categories of Residential, Commercial, Industrial, Community Facility, Urban Parks and Recreation, Transport and Services and Non Urban), precincts and overlays.

³ Accessible via: <<http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/all/search/FF4122C876FCA3D5CA2572D700834EF2>>

⁴ *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth), Section 25.

⁵ *Planning and Development Act 2007*, Section 48.

⁶ *Planning and Development Act 2007*, Section 49.

- 1.5 Recognising that land use policies may change over time, the Act provides for variations to the Territory Plan, prepared by the ACT Planning and Land Authority for stakeholder comment. There can be a number of versions of a Draft Variation depending on the consultation program.
- 1.6 Under the Act the Minister has the discretion to refer a Draft Variation, within 20 working days of receiving it, to an appropriate committee of the Legislative Assembly for consideration and reporting. Currently the Standing Committee on Planning, Public Works and Territory and Municipal Services is the appropriate Committee.⁷
- 1.7 The Minister must not take action in relation to the draft plan variation until the committee of the Legislative Assembly has reported on the variation, unless the committee has not reported on the variation by the end of the period of six months starting on the day after the day the variation is referred.⁸
- 1.8 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.⁹ If the Minister approves it, he will table the proposed variation and associated documents in the Legislative Assembly.¹⁰ 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.¹¹
- 1.9 If the Minister does not refer a draft plan variation to an appropriate committee of the Legislative Assembly, the Committee is not prevented from considering the draft plan variation documents.¹²

⁷ *Planning and Development Act 2007*, section 73.

⁸ *Planning and Development Act 2007*, section 75.

⁹ *Planning and Development Act 2007*, sub-section 76(4) a.

¹⁰ *Planning and Development Act 2007*, section 79.

¹¹ *Planning and Development Act 2007*, section 83.

¹² *Planning and Development Act 2007*, section 73(3).

2 THE PLANNING VARIATION

Overview

- 2.1 Draft variation to the Territory Plan No 299 proposes to change the residential RZ1 suburban zone in Lawson South to a range of urban zones to enable higher density urban development, whilst protecting significant natural features and open spaces and retaining the services TSZ2 transport and services zone as the site of the electrical substation.¹³
- 2.2 The draft variation also proposes to introduce a structure plan and concept plan to provide greater guidance for urban development at Lawson South through the introduction of more specific urban zones – including low, medium and higher density residential, urban open space, community facilities, commercial mixed use and transport. The concept plan would constitute a precinct code under the Territory Plan.¹⁴

Consultation by the ACT Planning and Land Authority

- 2.3 On 16 October 2009 ACTPLA released the Draft Variation 299 for public comment, inviting comments until 30 November 2009. ACTPLA received 14 written submissions, six from individuals, eight from groups and organisations (Friends of the Grasslands, Pedal Power, Institute of Architects - ACT Chapter, Wildlife Carer's Group, Solar Housing Group, University of Canberra, Belconnen Community Council and the Department of Defence).
- 2.4 The key issues of public concern included:
- Support for controls on commercial floor space;
 - Potential traffic impacts on adjacent arterial roads and intersections;

¹³ ACTPLA, *Draft Variation to the Territory Plan No299, Lawson South*, May 2010, p2.

¹⁴ ACTPLA, *Draft Variation to the Territory Plan No299, Lawson South*, May 2010, p2.

- Environmental impacts primarily relating to potential impacts on the grassland habitat and values;
- Urban form/high density residential development/subdivision design;
- Pedestrian/cycling routes, linkages and facilities;
- Interface with the University of Canberra;
- Relationship with Lawson North;
- Width of Lake Ginninderra foreshore;
- Location, revegetation (treatment), function and maintenance of open spaces; and
- Potential impacts on views.¹⁵

Consultation by the Standing Committee on Planning, Public Works and Territory and Municipal Services

- 2.5 On 11 June 2010, pursuant to section 73 (2) of the *Planning and Development Act 2007*, the Minister for Planning, Mr Andrew Barr MLA, referred Draft Variation to the Territory Plan No 299 to the Standing Committee on Planning, Public Works and Territory and Municipal Services for consideration and subsequent report to the ACT Legislative Assembly.¹⁶
- 2.6 The Committee considered the submissions on Draft Variation 299 lodged in response to ACTPLA's statutory consultation process.
- 2.7 ACTPLA officials provided the Committee with a briefing on Draft Variation 299 – Lawson South on 3 June 2010. The Committee would like to thank the officials for their time and appreciated the opportunity to discuss the Draft Variation and the community consultation process already undertaken by ACTPLA.

¹⁵ ACTPLA, *Draft Variation to the Territory Plan No299, Lawson South*, May 2010, p5.

¹⁶ Letter from the Minister for Planning to the Standing Committee on Planning, Public Works and Territory and Municipal Services, received June 11.

2.8 An invitation for public submissions to the Committee was advertised in The Canberra Times on Wednesday 23 June 2010 and in The Chronicle on Tuesday 22 June 2010. The Committee also invited a wide range of stakeholders to provide written submissions on the proposed Draft Variation by 9 July 2010. Late submissions were accepted up to 12 July 2010. The Committee received six submissions from:

- CB Richard Ellis on behalf of Supabarn Supermarkets Pty Ltd;
- Mr Patrick Carthy;
- Friends of the Grasslands;
- Kaleen IGA;
- Greg Hutchison; and
- Australian Institute of Architects.

2.9 The Committee held a public hearing on 21 July 2010 and heard from the following witnesses:

- Mr Tony Adams, Senior Director – Town Planning, CB Richard Ellis;
- Mr James Koundouris, Development Manager Koundouris Group, Supabarn Supermarkets Pty Ltd;
- Mr Chris Haridemos, Director, Kaleen IGA Supermarket;
- Ms Sheila Hughes, ACT Chapter President, Australian Institute of Architects; and
- Mr Ben Walker, planning committee member, Australian Institute of Architects.

6 STANDING COMMITTEE ON PLANNING, PUBLIC WORKS AND TERRITORY AND
MUNICIPAL SERVICES

3 COMMITTEE COMMENTS

- 3.1 The Committee notes that a satisfactory community consultation process has already been conducted by ACTPLA and that Draft Variation 299 has been amended since the public consultation version to take into account the majority of concerns raised in submissions to ACTPLA. However, the Committee makes the following comments and recommendations.

RECOMMENDATION 1

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

Density

- 3.3 The Committee believes that Lawson South is an appropriate area for additional medium and high density zones, particularly as it is located in close proximity to the University of Canberra, Bruce and the Belconnen town centre.
- 3.4 The Australian Institute of Architects (ACT Chapter) (AIA) proposed that the overall density of Lawson South 'be increased from 12 dwellings per hectare to 20 dwellings per hectare' by increasing the zoning for multi unit housing 'adjacent to some areas of open space in the central area of the site'.¹⁷
- 3.5 ACTPLA highlighted in its response that a net density of 20 dwellings per hectare is achieved when buffer and open space areas are removed from the total land area.
- 3.6 The AIA also felt that there may be capacity for some areas of Lawson South to be RZ2 zoning rather than RZ1, in order to facilitate increased density across the site.¹⁸

¹⁷ ACTPLA, *Report on Consultation*, Draft Variation No299 – Lawson South, May 2010, p11.

¹⁸ Proof Transcript of Evidence, 21 July 2010, p2.

RECOMMENDATION 2

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

RECOMMENDATION 3

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

Streetscapes

- 3.9 The Committee also heard from the AIA that the residential code review currently being undertaken by ACTPLA should consider the purpose and aims of each zone type more carefully and how they are differentiated. The AIA particularly noted the need for clarification around the purpose of RZ1 suburban zones and RZ2 suburban core zones and how they are intended to function. They advised the Committee that the zone codes should reinforce the desired character of streetscapes as well as ensure that higher density developments have high quality design in terms of environmental sustainability and performance as they are less ‘malleable’ than lower density areas and are likely to have a long life.¹⁹

RECOMMENDATION 4

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

RZ4, RZ5 and CZ5 Zoning

- 3.11 The Committee notes the submission from Mr Greg Hutchison, highlighting his concern about the potential height of apartments in the RZ5 (high density) zone along the western side of Lawson South and the edge of the north section of Lake Ginninderra.

¹⁹ Proof Transcript of Evidence, 21 July 2010, p4.

- 3.12 The Committee is aware that development up to six storeys can be considered in an RZ5 zones, however buildings cannot exceed 4 storeys where a building is adjacent to an RZ4 zone:
- a) The height of any building within 50 m of the boundaries of blocks in the RZ1, RZ2 and RZ3 zones and within 40 m of the CFZ, PRZ1 or PRZ2 zones does not exceed 3 storeys.
 - b) The height of any building elsewhere on the block does not exceed 6 storeys or 4 storeys where a building is adjacent to development in an RZ4 zone.²⁰
- 3.13 The Committee considers that the above rule (R25) adequately addresses height concerns as it would require a 'step down' in building heights moving from West to East across the site, which also mirrors the topography of Lawson South.
- 3.14 Additionally, the Committee notes that under Rule 37 of the concept plan (precinct code) 'no part of any building is to extend beyond RL620'²¹, establishing a standard height across Lawson South relative to Reservoir Hill.
- 3.15 The Committee believes that it is suitable to allow high density development in Lawson South as it is an area within the residential intensification line indicated in the Canberra Spatial Plan and the sites proximity to areas of high amenity including Belconnen town centre and the University of Canberra.
- 3.16 The submission from the AIA also supports the location of RZ4, RZ5 and CZ5 zones as they 'will allow for more medium density, high density and mixed use development opportunities adjacent to the shores of Lake Ginninderra'. The AIA notes that these zones seem appropriate 'to provide a more vibrant mixed use precinct adjacent to the lake edge where recreational opportunities are prevalent.'²²
- 3.17 AIA further submitted that the anticipated large area of the site retained for open space will require appropriate government entities to be involved in assessing and signing off on public spaces if it is to be effectively delivered.

²⁰ Territory Plan, 3.3 Residential Zones – Multi Unit Housing Development Code, May 2010, p16.

²¹ ACTPLA, Concept Plan (precinct code) – Lawson South, May 2010, p17.

²² Submission 6, Australian Institute of Architects (ACT)

Community Garden

- 3.18 The Committee notes that the AIA recommended to ACTPLA that consideration be given to providing additional community garden areas (allotments) in Lawson South:

The institute supports innovative approaches to providing opportunities for people living in multi storey, multi unit developments to grow food and produce through provision of community gardens or the like associated with the public open spaces. Consideration should be given to providing additional community garden areas in Lawson South closer to the high density development areas near Lake Ginninderra to give residents of apartment buildings convenient access to garden facilities.²³

- 3.19 The ACTPLA report on consultation responded that space for additional community garden areas is possible but is subject to detailed design.²⁴
- 3.20 The Committee also notes that the comments on community gardens in the Structure Plan²⁵ has been altered since the public consultation version, from “Community facilities are to be collocated in a community focal point along the main collector road with opportunities to accommodate...community gardens” to “opportunities for community gardens should be explored.”
- 3.21 The Committee believes that this change in wording weakens the emphasis on community gardens and the Committee would like to see community gardens be a requirement of the development of Lawson South.
- 3.22 The Committee considers that a suitable site be reserved for a community garden space, taking into account accessibility by car, walking and cycling, as well as potential access to stormwater storage points and location near multi-unit development areas.

²³ AIA (ACT Chapter), *Submission to ACTPLA*, Draft Variation No299 – Lawson South, Nov 2009, p5.

²⁴ ACTPLA, *Report on Consultation*, Draft Variation No299 – Lawson South, May 2010, p12.

²⁵ ACTPLA, *Structure Plan – Lawson South*, May 2010.

RECOMMENDATION 5

- 3.23 **The Committee recommends that the provision of space for community gardens should be a requirement of the development of Lawson South.**²⁶

Trunk Cycle Routes

- 3.24 The Committee notes that Pedal Power, in its submission to ACTPLA, proposed that 'the main trunk cycling route from the City should connect to paths in Lawson South at the corner of Baldwin and Ginninderra Drives'. ACTPLA responded that connections to the trunk networks will be considered further at the detail design stage associated with subdivision design.²⁷
- 3.25 The Committee considers that trunk cycle routes should be identified at the early stages of planning. The concept planning stage appears to be an appropriate point in time to consider trunk cycle routes; just as concept plans identify higher order road networks, key landscape features, infrastructure requirements and notional land uses.²⁸

RECOMMENDATION 6

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

Open Space

- 3.27 The Australian Institute of Architects (ACT Chapter) (AIA) advised the Committee of their concerns around how open space will be treated in Lawson South, particularly in light of the higher density development planned for the suburb. The AIA were particularly concerned that some of the rules and criteria controlling open space provision, as outlined in the

²⁶ Mr Coe does not support recommendation 5.

²⁷ ACTPLA, *Report on Consultation*, Draft Variation No299 – Lawson South, May 2010, p10.

²⁸ Territory Plan 2008, *Residential Subdivision Development Code*, p2.

public consultation version of the draft variation, have now been included in the Concept Plan (precinct code) as a 'note' only:

6. Open space

Notes:

a) Precincts referred to in this part are landscape precincts shown on Figure 4

b) Landscaping for public open space and road reservations is a matter for the detailed design stage and is required to be to the satisfaction of Territory and Municipal Services and will include:

i) predominately native species to promote environmental continuity with Lawson north

ii) planting is to include Wallaby Grass and other native herbaceous species recorded on the Commonwealth land together with local tree species.²⁹

- 3.28 The AIA advised that the open space criteria have been modified in a way that they have essentially been removed from the 'body of work that ACTPLA would do'³⁰, and have been left to Department of Territory and Municipal Services (TAMS) alone to implement. The AIA emphasised that there needs to be a variety of open space provided as treatment of open space will affect the different recreation opportunities for those spaces. The AIA therefore recommended that ACTPLA 'not just set up the conceptual framework and some of the criteria but actually look at the delivery in some detail'.³¹ They advised that ACTPLA should be directly involved in the urban design and delivery of open space provision and treatment in Lawson South, along with TAMS, as the landscape in denser developments is a fundamental urban design component and there are many design, treatment, water management, maintenance and useability considerations.³²

RECOMMENDATION 7

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

²⁹ ACTPLA, *Concept Plan (precinct code) - Lawson South*, May 2010, p8.

³⁰ Proof Transcript of Evidence, 21 July 2010, p2

³¹ Proof Transcript of Evidence, 21 July 2010, p3

³² Proof Transcript of Evidence, 21 July 2010, p2.

Landscaping and Vegetation Retention

- 3.30 The Committee supports the concept of no net loss of native vegetation in general and in particular no net loss of woodlands, as proposed by Friends of the Grasslands (FOG) in the submission to ACTPLA, and reinforced in FOG's submission to the Committee.³³ The Committee also support the extension of this concept to native endangered grasslands.
- 3.31 The Committee notes that an ACT biodiversity offset approach is being developed for the consideration of the ACT Government and hopes that a draft of the policy will be available for public comment before being adopted in the future. The Committee also notes the FOG concern that the biodiversity offset approach may not be developed or finalised before the development of Lawson South proceeds. FOG highlighted its concern that offsets should be in place prior to development commencing and would like to see further information on how an offset approach will be applied to Lawson South. The Committee believes this is an important issue.

RECOMMENDATION 8

- 3.32 **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.**
- 3.33 The Committee also expects that the Commissioner for Sustainability and the Environment will be consulted on the nature of any biodiversity offset arrangement for the ACT.
- 3.34 FOG also raised the issue of maintaining and rejuvenating native grasslands, including *Stipa* species in the area near the electricity substation (under the powerlines). The Committee agrees that these grasslands need to be maintained as native grassland and not re-planted with trees. The Committee notes that ACTPLA will consider this issue further as part of the detailed design.

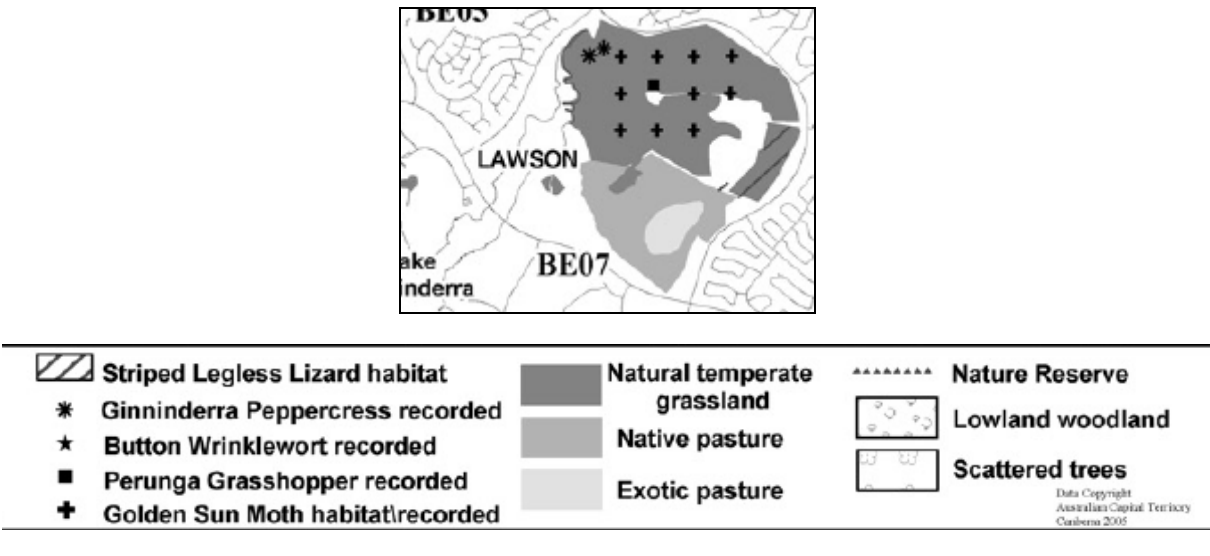
³³ ACTPLA, *Report on Consultation*, Draft Variation No299 – Lawson South, May 2010, p8.

RECOMMENDATION 9

- 3.35 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.

Conservation

- 3.36 The Committee notes that the submission from Mr Carthy objected to the proposed variation for ‘protection of rare native grasses and various rare species of insects’ as ‘there can be no guarantee that the same rare native grasses and various rare species on insects are not present in the area referred to as Lawson South’ as those identified in Lawson North.³⁴
- 3.37 The Committee notes that the ACT Lowland Native Grassland Conservation Strategy (Action Plan No. 28) identifies Lawson South as being predominantly native pasture, rather than the natural temperate grasslands that make up the majority of Lawson North. Additionally, Action Plan 28 does not identify any threatened species in Lawson South, as indicated in the figure below.³⁵ One of two small pockets of natural temperate grasslands in Lawson South is also being retained in the NUZ3 (Hill, Ridges and Buffer) zoning, connected to the 30m buffer zone between Lawson North and South.



³⁴ Submission 1, Patrick Carthy.

³⁵ ACT Lowland Native Grassland Conservation Strategy (Action Plan No. 28), 2005, Figure 2.6.

- 3.38 The Committee also notes that the comments made by the Conservator of Flora and Fauna to ACTPLA on the Draft Variation (public consultation version), particularly in regard to the interface between Lawson North and South, have been addressed in the final recommended Draft Variation.³⁶
- 3.39 FOG also highlighted to the Committee that follow-up surveys of threatened species to supplement the original ecological assessment have not been undertaken.³⁷ The Committee notes additional survey of the Golden Sun Moth in 2009-10.³⁸ No other surveys appear to have been conducted despite the seasonal limitations and timing issues identified in the original Ecological Assessment, which supported the need for further threatened species surveys.³⁹
- 3.40 The Committee considers that the presence of other threatened species in Lawson South should be given more consideration with additional surveys of threatened species to 'better define the relative importance of habitat for the species on the subject site'.⁴⁰

RECOMMENDATION 10

- 3.41 **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.**
- 3.42 The Committee notes that the AIA also called for effective delivery of useable and integrated open space. The Committee believes that, in addition to providing a safe and healthy environment, the lineal open space network in Lawson South should consider the need for connectivity between wildlife corridors.

³⁶ ACTPLA, *Report on Consultation*, Draft Variation No299 – Lawson South, May 2010, p20.

³⁷ Submission 3, Friends of the Grasslands.

³⁸ ACTPLA, *Report on Consultation*, Draft Variation No299 – Lawson South, May 2010, p9.

³⁹ Eco Logical Australia Pty Ltd, *Lawson Studies*, May 2005, p40.

⁴⁰ Eco Logical Australia Pty Ltd, *Lawson Studies*, May 2005, p40.

RECOMMENDATION 11

- 3.43 **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.**

Cat Containment

- 3.44 The Committee notes that the Wildlife Carer's Group highlighted the risk of development in relation to the introduction of domestic pets.⁴¹ Similarly FOG highlighted the need for Lawson South to include requirements for 24 hour cat containment.⁴²
- 3.45 The Conservator of Flora and Fauna also noted that:
- Cat containment is supported, however, to be effective it would need to be applied across the whole site. Cats have been known to range for more than one kilometre and their presence in Lawson South could pose a significant threat to the endangered grassland reptile species and Golden Sun Moths in BNTS (the former Belconnen Naval Transmission Station).
- 3.46 ACTPLA responded to both the Conservator and FOG, stating that:
- Cat containment areas are declared under the *Domestic Animals Act 2000*, which is administered by Territory and Municipal Services. A draft cat containment policy is being produced for consideration by the Government and will consider where cat containment should be applied, the resources that will be required and the environmental, cat welfare and social benefits that may eventuate.⁴³
- 3.47 The Committee notes that the revised Draft Variation includes a note recommending 'that a 24 hour cat containment applies to Lawson South, as the estate is located adjacent to an area of high conservation value'. It also notes that 'cat containment areas are declared under the *Domestic Animals Act 2000*, which is administered by Territory and Municipal Services'⁴⁴.

⁴¹ ACTPLA, *Report on Consultation*, Draft Variation No299 – Lawson South, May 2010, p6.

⁴² ACTPLA, *Report on Consultation*, Draft Variation No299 – Lawson South, May 2010, p8.

⁴³ ACTPLA, *Report on Consultation*, Draft Variation No299 – Lawson South, May 2010, p8.

⁴⁴ ACTPLA, *Concept Plan (precinct code) - Lawson South*, May 2010, p14.

- 3.48 The Committee is aware that cat containment cannot be addressed directly through the Draft Variation process and is pleased with the inclusion of the note above. The Committee believes the Government needs to commit to cat containment in all suburbs near significant grasslands and woodlands that are habitat to threatened and endangered species.⁴⁵

RECOMMENDATION 12

- 3.49 **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*.**⁴⁶

RECOMMENDATION 13

- 3.50 **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*.**⁴⁷

Playgrounds

- 3.51 The Committee notes that the Structure Plan for Lawson South specifies that:
Major passive open space areas are to be provided in conjunction with waterways and prominent hills, including Lake Ginninderra, College Creek and Reservoir Hill.⁴⁸
- 3.52 The Committee is concerned that safety needs be taken into consideration in implementing this policy. The Committee therefore believes that the Lawson South area should include, in the parks and recreation urban open space, a

⁴⁵ Mr Coe does not support these comments.

⁴⁶ Mr Coe does not support recommendation 12.

⁴⁷ Mr Coe does not support recommendation 13.

⁴⁸ ACTPLA, *Recommended Final Draft Variation to the Territory Plan No.299 – Lawson South*, 'Lawson South Structure Plan', May 2010, p3.

designated area for a playground which is not directly located near the waterways. If a playground is established close to waterways it should be fenced and gated appropriately with child-safe fencing.

RECOMMENDATION 14

- 3.53 **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.**

Lawson Commercial Zone

- 3.54 CB Richard Ellis on behalf of Supabarn Supermarkets Pty Ltd (CBRE/Supabarn), in addition to Kaleen IGA, highlighted to the Committee their concerns about the retail and commercial controls proposed for Lawson South. They argued that the draft variation has potential to impact on the Kaleen group centre and Kaleen local shops because in the revised draft variation:
- the maximum gross floor area (GFA) for a supermarket is not specified (R35 & C35) and may result in a full-line supermarket in Lawson, in competition with Kaleen;
 - the maximum GFA for commercial uses, including a supermarket (R35) within the CZ5 mixed use zone, is open to change (C35), which also risks Lawson South becoming more than a local centre;
 - the proposed commercial area is zoned CZ5 (mixed use) rather than CZ4 (local centre) which may result in a 'defacto' group centre and create confusion in the retail hierarchy; and
 - the location for the Lawson South local centre is not fixed (C2) and may be placed along Ginninderra Drive to the detriment of the Kaleen group centre and Kaleen local shops.⁴⁹
- 3.55 The Committee notes that the Minister for Planning has since reconsidered the commercial provisions for Lawson South in light of the submission from

⁴⁹ Submission 2, CBRE for Supabarn Supermarkets Pty Ltd; Submission 4, IGA Kaleen.

Mr Adams, CBRE Supabarn and the submission from IGA Kaleen. The Minister has agreed to reinstate the previous commercial provisions identified in the public consultation version of the Draft Variation. The Committee notes that:

...the draft Variation will be amended to stipulate that the maximum supermarket size will be 700m² within a maximum commercial component of 1,500m². These will be mandatory requirements. There will not be any applicable criteria to permit an increase in the maximum size of the supermarket or to the total commercial area.⁵⁰

- 3.56 The Committee notes that these provisions have been reinstated as they reinforce the nature of Lawson South's commercial centre as a local centre rather than a group centre.
- 3.57 Regarding the concerns raised by CBRE/Supabarn and IGA Kaleen that the proposed Lawson South commercial centre is zoned as CZ5 (mixed use) rather than CZ4 (local centre), the Committee acknowledges that a CZ5 zoning provides more flexibility for land uses in the commercial zone and is consistent with a number of local commercial centres in new suburbs of Gungahlin. The Committee therefore considers that CZ5 is an appropriate zoning for the commercial area of Lawson South, allowing a mix of residential and commercial uses.
- 3.58 Mr Haridemos, proprietor of IGA Kaleen, advised the committee that his remaining concern was the potential for the Lawson South commercial area to be relocated adjacent to Ginninderra Drive when the estate planning is undertaken, competing directly for his customer base. CBRE/Supabarn advised the Committee that they were less concerned about the potential location of the centre now that it was limited to a modest size.⁵¹
- 3.59 The Committee heard how local shopping centres in the ACT are 'artificially placed in suboptimal locations'⁵², being traditionally 'entrenched in the

⁵⁰ Letter from the Minister for Planning to Mr Tony Adams, dated 12 July 2010 (cc. to the Standing Committee).

⁵¹ Proof Transcript of Evidence, 21 July 2010, p14.

⁵² Proof Transcript of Evidence, 21 July 2010, p14.

middle of the suburb'⁵³ and they therefore do not have the 'luxury of an arterial road' to attract customers. Mr Haridemos advised the committee that the Lawson South commercial zone should be located so that it operates on a similar footing, within the suburb as a central convenience shop for local Lawson residents.⁵⁴ The Committee heard that if the Lawson commercial zone was not located based on similar provisions, it may draw business away from Kaleen and cause 'collateral damage to the other community activities'⁵⁵ that surround the Kaleen group and local centres.

Local Centres

- 3.60 The Committee was also advised by CBRE/Supabarn that the Territory Plan should be amended to reinforce the retail hierarchy by specifying a standard maximum GFA of around 700m² for local centre sized supermarkets, which is consistent with most existing local supermarkets.⁵⁶ The Committee heard that the Territory Plan is very clear about plot ratios, sizes and maximum GFA in group centres and town centres but the Local Centre Development Code requirements are more ambiguous. Specifying a mandatory maximum GFA for local centre supermarkets in the Territory Plan may assist in preventing major supermarket chains from seeking larger supermarket GFA in local centres and ensure consistency across the ACT.⁵⁷
- 3.61 The Committee also heard the concerns of CBRE/Supabarn regarding the adequacy of parking provisions in local centres. Mr Koundouris from Supabarn Supermarkets Pty Limited advised the Committee that he believed local centres should have surface/grade parking as it was the most convenient and suited the nature of local centre. He also believes that local centres should not be permitted to have underground parking if that was a way for supermarkets to increase their GFA beyond a reasonable size.⁵⁸

⁵³ Proof Transcript of Evidence, 21 July 2010, p9.

⁵⁴ Proof Transcript of Evidence, 21 July 2010, pp11-12.

⁵⁵ Proof Transcript of Evidence, 21 July 2010, p15.

⁵⁶ Proof Transcript of Evidence, 21 July 2010, p16.

⁵⁷ Proof Transcript of Evidence, 21 July 2010, p16.

⁵⁸ Proof Transcript of Evidence, 21 July 2010, pp17-18.

Other Issues

Awareness

- 3.62 The Committee notes the small number of submissions, both to ACTPLA and the Committee itself regarding Draft Variation 299 and is concerned about the level of community awareness ahead of new greenfields suburbs being planned. The Committee is aware that the new suburb of Casey was the subject of what appears to be a much greater awareness campaign compared to Lawson South.
- 3.63 The Committee would like to see greater use of signage on new suburb sites at the initial stages of planning to increase awareness in the community that the area is being planned for development.

RECOMMENDATION 15

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

Road Network

- 3.65 The revised Draft Variation 299 states that an integrated path network is already dealt with at R22 b) iv).⁵⁹ The Committee notes that in the recommended final Concept Plan, there is no Rule R22. The reference should be changed to C22 b) iv).

Mary Porter AM MLA
Chair
28 July 2010

⁵⁹ ACTPLA, *Recommended Final Draft Variation No.299 – Lawson South*, May 2010, p12.