

DRAFT VARIATION TO THE TERRITORY PLAN No. 345 MAWSON
GROUP CENTRE: ZONE CHANGES AND AMENDMENTS TO THE
MAWSON PRECINCT MAP AND CODE

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL

OCTOBER 2018

REPORT 6

THE COMMITTEE

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Ms Suzanne Orr MLA	Deputy Chair
Mr Mark Parton MLA	
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RESOLUTION OF APPOINTMENT

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

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

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

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

TERMS OF REFERENCE

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

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

The Minister for Planning, Mr Mick Gentleman MLA, referred Draft Variation 345: Mawson Group Centre: Zone Changes and Amendments to the Mawson Precinct Map and Code to the Standing Committee on Planning and Urban Renewal on 15 May 2018.

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

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

ACRONYMS

ACT	Australian Capital Territory
Cxx	Criteria
CFZ	Community Facilities Zone
CZx	Commercial Zone
DV	Draft Variation to the Territory Plan
EPSDD	Environment, Planning and Sustainable Directorate
PRZx	Urban Open Space
Rxx	Rule
RZx	Residential Zone
TSZx	Transport and Services

TABLE OF CONTENTS

THE COMMITTEE	I
Committee Membership.....	i
Secretariat	i
Contact Information	i
Resolution of appointment.....	i
Terms of reference	i
ACRONYMS	I
RECOMMENDATIONS	III
1 INTRODUCTION	1
Conduct of the Inquiry.....	1
Acknowledgments	1
2 PLANNING IN THE AUSTRALIAN CAPITAL TERRITORY	3
Introduction.....	3
3 THE DRAFT VARIATION	7
The Sites	8
Changes to the Territory Plan	9
Consultation by Environment, Planning and Sustainable Development Directorate	16
Comments on Consultation	17
Understanding Of Draft Variation	17
4 MAWSON GROUP CENTRE MASTER PLAN	19
5 KEY ISSUES	21
Building heights	21
Car Parking / Additional Supermarket	32
Park and Ride Facilities	41
7-Eleven	42
Athlon Drive	45
Public Open Space	49
Road and Pedestrian Access	52
6 CONCLUSION	57
APPENDIX A - WITNESSES	59

Hearing – 3 September 2018..... 59

APPENDIX B – SUBMISSIONS..... 61

APPENDIX C – QUESTIONS TAKEN ON NOTICE..... 63

RECOMMENDATIONS

RECOMMENDATION 1

- 3.25 The Committee recommends that subject to the following recommendations Mawson Draft variation 345 be approved.

RECOMMENDATION 2

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

RECOMMENDATION 3

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

RECOMMENDATION 4

- 5.37 The Committee acknowledges the need for revitalisation of the Mawson precinct as well as the maintenance of solar access to the main courtyard square and recommends the Government implement R8 and C8 as proposed in the Mawson Draft Variation.

RECOMMENDATION 5

- 5.38 The Committee recommends overshadowing provisions are included in the Mawson Draft Variation that will apply to any future development of Block 3, Section 46; Block 7, Section 46; Block 8, Section 46; Block 10, Section 46; Block 17, Section 46 and Block 26, Section, 46.

RECOMMENDATION 6

- 5.39 The Committee recommends that overshadowing provisions are included in the Mawson Draft Variation to ensure protection for morning and mid-afternoon sun for the main (between Block 7 and Block 26, Section 46) and northern (between Block 3, Section 46 and Block 8, Section 46) courtyard squares.

RECOMMENDATION 7

- 5.67 The Committee recommends the current quantum of car parking spaces be retained as part of any future redevelopment of each existing surface car park site.

RECOMMENDATION 8

- 5.68 The Committee recommends that R4 and C4 are strengthened to ensure that the design of any future basement or multi-level parking on the surface car parks promotes shopping in the whole centre, not just in the development itself.

RECOMMENDATION 9

- 5.69 The Committee recommends the ACT Government continue to pursue a second supermarket on Block 6, Section 57.

RECOMMENDATION 10

5.83 The Committee recommends that the Government meet with the owner of the 7-Eleven to clarify the ACT Government's intentions in relation to the issues raised in the owner's submission.

RECOMMENDATION 11

5.103 The Committee recommends that the Mawson Draft Variation is modified to include a requirement for the creation of a new courtyard at the southern end of Block 17, Section 46, along with appropriate provisions for solar access for this future open space.

RECOMMENDATION 12

5.118 The Committee recommends the ACT Government include the proposed trunk walking and cycling network in the proposed Mawson Draft variation.

1 INTRODUCTION

CONDUCT OF THE INQUIRY

- 1.1 On 15 May 2018 pursuant to section 73 of the *Planning and Development Act 2007* (the Act), the Minister for Planning and Land Management, Mr Mick Gentleman MLA, referred Draft Variation 345: Mawson Group Centre: Zone Changes and Amendments to the Mawson Precinct Map and Code to the Standing Committee on Planning an Urban Renewal (the Committee) for consideration and report to the Legislative Assembly (the Assembly).
- 1.2 The Committee released a media release announcing the inquiry on 25 May 2018 as well directly emailing those who had provided submissions to the public consultation process and others who may be affected by the draft variation. The Committee received 29 submissions and a list of these is provided at Appendix B.
- 1.3 The Committee held one public hearing and heard from seven witnesses. A list of witnesses who appeared before the Committee is provided at Appendix A. The transcripts of proceedings are accessible at <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-planning-and-urban-renewal/draft-variation-no-345-mawson-group-centre-zone-changes-and-amendments-to-the-mawson-precinct-map-and-code>
- 1.4 There were four questions taken on notice at the public hearing and these are listed in Appendix C. Answers to these questions are available on the inquiry webpage: <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-planning-and-urban-renewal/draft-variation-no-345-mawson-group-centre-zone-changes-and-amendments-to-the-mawson-precinct-map-and-code>
- 1.5 Ms Le Couteur informed Committee members, the Minister, officials and interested members of the public that she lived in Phillip, in an area adjacent to the Mawson Precinct and had contributed a submission to the public consultation process in her capacity as the Greens Member for Murrumbidgee.

ACKNOWLEDGMENTS

- 1.6 The Committee would like to thank the Minister for Planning and Land Management and officials from the Environment, Planning and Sustainable Development Directorate (the Directorate) for their time appearing before the Committee and responding to its questions.

- 1.7 The Committee would like to extend its thanks to those who took the time to make written submissions and to those witnesses who appeared before the Committee.

2 PLANNING IN THE AUSTRALIAN CAPITAL TERRITORY

INTRODUCTION

- 2.1 This chapter outlines the planning framework in the Australian Capital Territory (ACT) and briefly outlines the evolution of the Territory Plan from its inception, through a series of reviews and restructures.
- 2.2 The *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth) sets out the overarching legal framework for the planning of, and management of the land in, the Australian Capital Territory.³ It establishes the National Capital Authority, one of the functions of which is to prepare and administer a National Capital Plan.⁴ The objective of the National Capital Plan is to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.⁵
- 2.3 The *Australian Capital Territory (Planning and Land Management) Act 1988* also provided for the ACT Legislative Assembly to make laws to establish a Territory planning authority, and to confer on that authority the function of preparing and administering a Territory Plan.⁶ These requirements were incorporated into the *Interim Planning Act 1990* (ACT)⁷ and subsequently, with expanded environmental assessment and heritage provisions, into the *Land (Planning and Environment) Act 1991* (ACT).⁸
- 2.4 In 2008, as part of the reform of the ACT planning system, the *Land (Planning and Environment) Act 1991* was replaced by the *Planning and Development Act 2007* (the Act)⁹, which includes the provision for the Planning and Land Authority,¹⁰ and the Territory Plan.¹¹
- 2.5 The Territory Plan commenced operation on 31 March 2008 and provides the policy framework for the administration of planning in the ACT:

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

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

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

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

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

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

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

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

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

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

2.6 Under section 50 of the Act, the:

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

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

2.8 The Territory Plan includes:

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

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

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

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

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

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

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

¹⁵ Territory Plan, Accessible at <https://www.legislation.act.gov.au/ni/2008-27/Current>.

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

- 2.11 Under the Act the Minister must refer a draft plan variation documents, within 5 working days of the notification of the public availability notice,¹⁷ to an appropriate committee of the ACT Legislative Assembly (the Assembly) for consideration and reporting.¹⁸
- 2.12 The Minister must not take action in relation to the draft plan variation until the committee of the Assembly has reported on it;¹⁹ has decided not to report on it;²⁰ has not informed the minister within 20 working days of the referral as to whether it will prepare a report;²¹ or the committee of the Assembly has not reported on the draft plan variation by the end of the period of six months starting the day after the day on which it was referred to the committee.²²
- 2.13 The Minister must take any recommendation of the committee into account before making his decision in relation to the draft plan variation.²³ If the Minister approves it, the proposed plan variation and associated documents will be presented to the Assembly.²⁴ Unless wholly or partially rejected by the Assembly, on a motion for which notice has been given within five sitting days of the plan variation being presented to the Assembly, the plan variation will commence on the date nominated by the Minister.²⁵

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

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

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

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

²¹ *Planning and Development Act 2007*, section 73.

²² *Planning and Development Act 2007*, section 75.

²³ *Planning and Development Act 2007*, subsection 76(3).

²⁴ *Planning and Development Act 2007*, section 79.

²⁵ *Planning and Development Act 2007*, section 83.

3 THE DRAFT VARIATION

3.1 The Draft Variation to the Territory Plan 345 Mawson Group Centre (Mawson Draft Variation) seeks to vary the Territory Plan in the direction of the recommendations of the Mawson Group Centre Master Plan (Mawson Master Plan). It proposes changes to zones within the Mawson Group Centre and amendments to the Mawson precinct map and code that:

- retain two storey height limit within the central area;
- introduce building heights of four and six storeys to the east of Heard Street;
- introduce building heights of six storeys to the west of Mawson Place;
- introduce a potential building height of up to eight storeys for a marker building development near the south eastern corner of the Athlon Drive/Mawson Drive intersection;
- rezone selected areas, including:
 - land along Athlon Drive;
 - the CZ3 services zone between Mawson Place and Athlon Drive;
 - the public carpark south of Mawson Place.
- identify main pedestrian areas within the centre and areas where active frontages are required; and
- identify locations where awnings are required for weather protection.²⁶

3.2 The Mawson Draft Variation has interim effect.²⁷

3.3 As per Section 72 of the *Planning and Development Act 2007* interim effect enables the provisions of Draft Variation No 345 to apply during the defined period which begins the day the Mawson Draft Variation given to the Minister is notified (notification day).²⁸

3.4 The effect of section 72 during the defined period means that the ACT Government must not do or approve anything that would be inconsistent with the Territory Plan as if it were amended by the draft variation. Where there is an inconsistency between provisions in the

²⁶ Draft Variation 345 Mawson Group Centre – recommended version, February 2018, p. 1, https://www.planning.act.gov.au/_data/assets/pdf_file/0009/1199718/DV345-recommended-to-the-Minister-s69.pdf.

²⁷ Draft Variation 345 Mawson Group Centre – recommended version, February 2018, p. 7, https://www.planning.act.gov.au/_data/assets/pdf_file/0009/1199718/DV345-recommended-to-the-Minister-s69.pdf.

²⁸ Draft Variation 345 Mawson Group Centre – recommended version, February 2018, p. 7, https://www.planning.act.gov.au/_data/assets/pdf_file/0009/1199718/DV345-recommended-to-the-Minister-s69.pdf.

current Territory Plan and provisions in the draft variation, then the draft variation takes precedence for the extent of the inconsistency.²⁹

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

- i. the day the plan variation commences
- ii. the day the variation is rejected by the Legislative Assembly
- iii. the day the variation is withdrawn under section 76 (3)(b)(v) or section 84 (5)(b)
- iv. one year from the date of the notification day.³⁰

THE SITES

3.5 The area affected is the Mawson Group Centre and surrounding land, including that along Athlon Drive. The Group Centre is bounded by Athlon Drive to the west, Mawson Drive to the north, Mountevans Street to the east and recreational spaces to the south. The area consists of shops food retailers, community clubs, a petrol station and large areas of surface parking. The Mawson Draft Variation describes the land along Athlon Drive as grassed land separated from existing single dwelling blocks to the east by trees and a shared path and separated from Athlon Drive to the west by Yarralumla Creek.³¹

3.6 The following Territory Plan map zones currently apply to the Mawson Precinct:³²

Commercial Area:

- Commercial Core - CZ1
- Commercial Business - CZ2
- Commercial Services - CZ3
- Commercial Local Centre - CZ4

Residential Area:

- Residential Suburban - RZ1
- Residential Suburban Core - RZ2
- Residential Medium Density Residential - RZ4

²⁹ Draft Variation 345 Mawson Group Centre – recommended version, February 2018, p. 7, https://www.planning.act.gov.au/_data/assets/pdf_file/0009/1199718/DV345-recommended-to-the-Minister-s69.pdf.

³⁰ Draft Variation 345 Mawson Group Centre – recommended version, February 2018, p. 7, https://www.planning.act.gov.au/_data/assets/pdf_file/0009/1199718/DV345-recommended-to-the-Minister-s69.pdf.

³¹ Draft Variation 345 Mawson Group Centre – recommended version, February 2018, p. 2, https://www.planning.act.gov.au/_data/assets/pdf_file/0009/1199718/DV345-recommended-to-the-Minister-s69.pdf.

³² Draft Variation 345 Mawson Group Centre – recommended version, February 2018, pp. 4-5, https://www.planning.act.gov.au/_data/assets/pdf_file/0009/1199718/DV345-recommended-to-the-Minister-s69.pdf.

Other:

- Public Open Space - PRZ1
- Transport - TSZ1
- Services – TSZ2
- Community Facility - CFZ

3.7 In addition to general codes that may apply the following codes currently apply to the Mawson Group Centre under the Territory Plan:

- Commercial Zone development code;
- Mawson precinct map and code;
- Residential Zones development code;
- Single Dwelling Housing Development code;
- Multi-Unit Housing development code; and
- Parks and Recreation Zone development code.

CHANGES TO THE TERRITORY PLAN

CHANGES TO THE TERRITORY PLAN MAP

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

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

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

- rezone the RZ2 suburban core residential zone and portion of the TSZ1 transport services zone along Athlon Drive to RZ5 high density residential where adjacent to Phillip service trades area, with the remainder rezoned to PRZ1 urban open space;
- rezone an area of PRZ1 urban open space and TSZ1 transport zone at the corner of Athlon Drive and Mawson Drive to RZ5 high density residential zone;
- rezone the majority of the CZ3 commercial service trades zone between Athlon Drive and Mawson Place, along with a section of the TSZ1 transport zoned land to CZ2 commercial business zone;
- rezone the portion of PRZ1 urban open space south of the centre currently occupied by a surface carpark to CZ3 service trades zone; and

- rezone the surface car park east of Heard Street from CZ2 commercial business zone to CZ1 commercial core zone.³³

3.11 It is also noted that 'in addition, the division boundaries of Phillip, Pearce, Torrens and Mawson will need to be realigned to accommodate the residential zone located along Athlon Drive, and the extension of the commercial business zone within the Mawson division boundaries. The process to amend the division boundaries will be undertaken separately to this draft variation.'³⁴

³³ Draft Variation 345 Mawson Group Centre – public consultation version – March 2017, p. 9, <http://www.legislation.act.gov.au/ni/2017-107/20170303-65606/pdf/2017-107.pdf>.

³⁴ Draft Variation 345 Mawson Group Centre – public consultation version – March 2017, p. 9, <http://www.legislation.act.gov.au/ni/2017-107/20170303-65606/pdf/2017-107.pdf>.

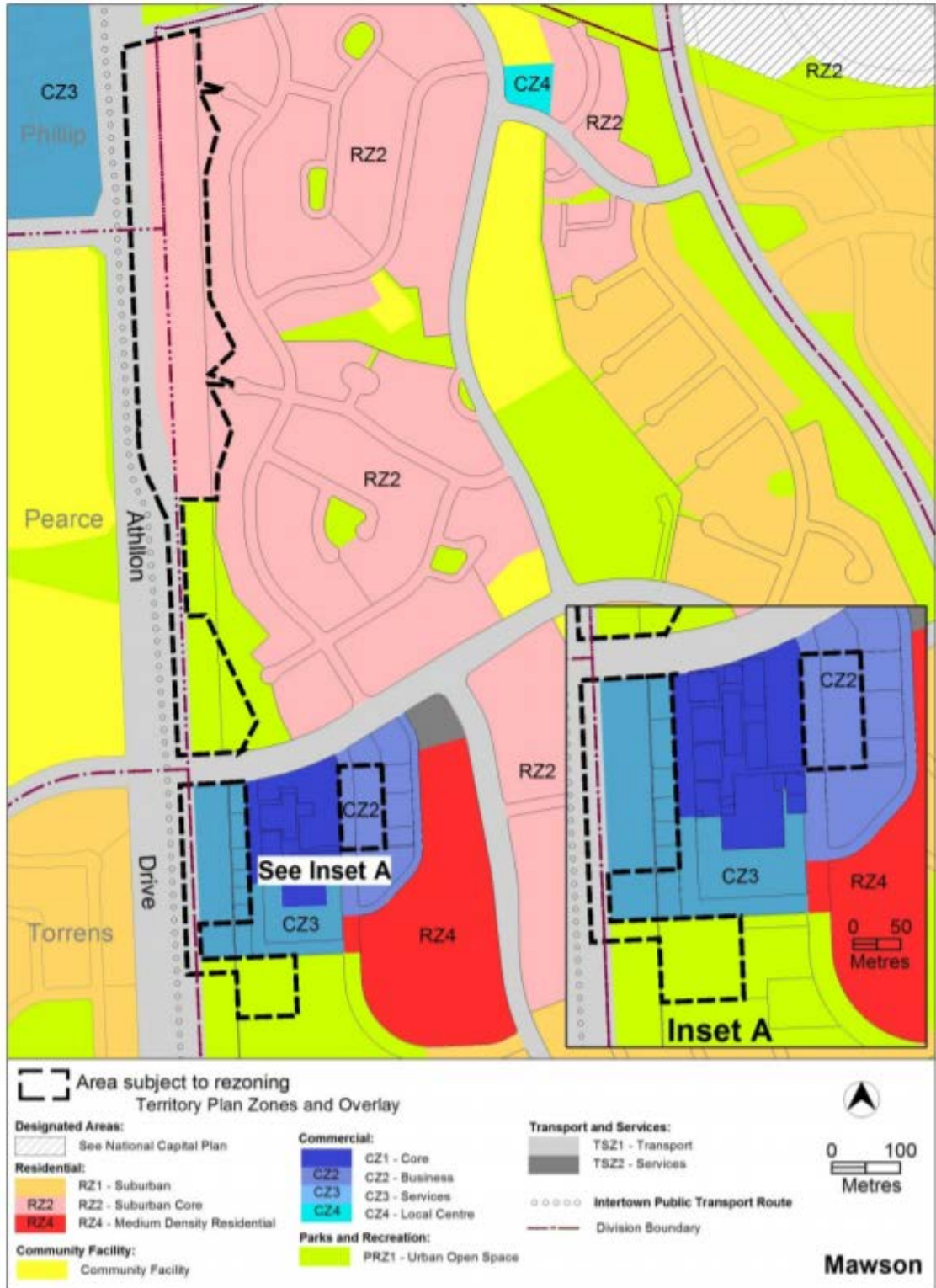


Figure 1: CURRENT MAWSON TERRITORY PLAN MAP

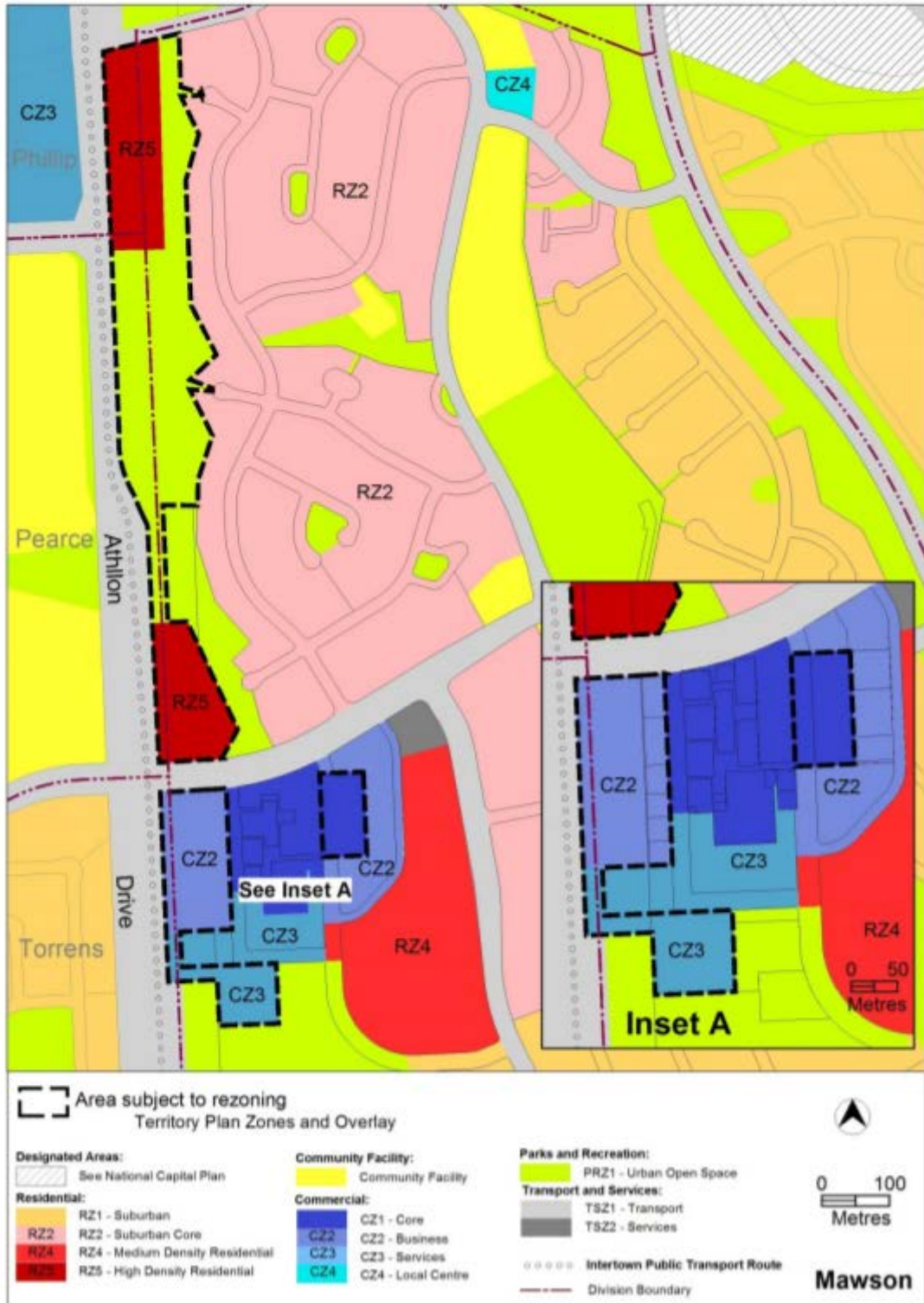


Figure 2: PROPOSED MAWSON TERRITORY PLAN MAP

AMENDMENTS TO THE MAWSON PRECINCT MAP AND CODE

- 3.12 Precinct maps identify areas where there are additional planning controls.
- 3.13 As outlined in the Territory Plan, Precinct codes provide additional planning, design and environmental controls for individual blocks and may also contain references to provisions in other codes.
- 3.14 Precinct codes contain additional rules and/or criteria for particular blocks or parcels identified on the precinct map, to be read in conjunction with the relevant development code. Each element has one or more rules and, unless the respective rule is mandatory, each rule has an associate criterion. Rules provide quantitative, or definitive, controls whereas criteria are chiefly qualitative in nature.
- 3.15 The Mawson Draft Variation would make changes to the existing Mawson precinct map and codes including:
- removing the restriction that limits shops in CZ2 commercial business zone to art, craft and sculpture dealer and personal services;
 - removing the existing additional permitted uses of funeral parlour, light industry, service station and veterinary hospital from the CZ2 commercial business zone;
 - nominating building heights for selected areas within the centre of 2, 4, 6 and 8 storeys;
 - introducing built form provisions such as upper level setbacks, requirements for awnings and active frontages to provide pedestrian friendly areas within the centre;
 - nominating pedestrian routes and laneways where development will be required to provide publicly accessible pedestrian access; and
 - ensuring development retains solar access to public spaces and residential development.³⁵

³⁵ Draft Variation 345 Mawson Group Centre – public consultation version – March 2017, p. 9-10, <http://www.legislation.act.gov.au/ni/2017-107/20170303-65606/pdf/2017-107.pdf>.

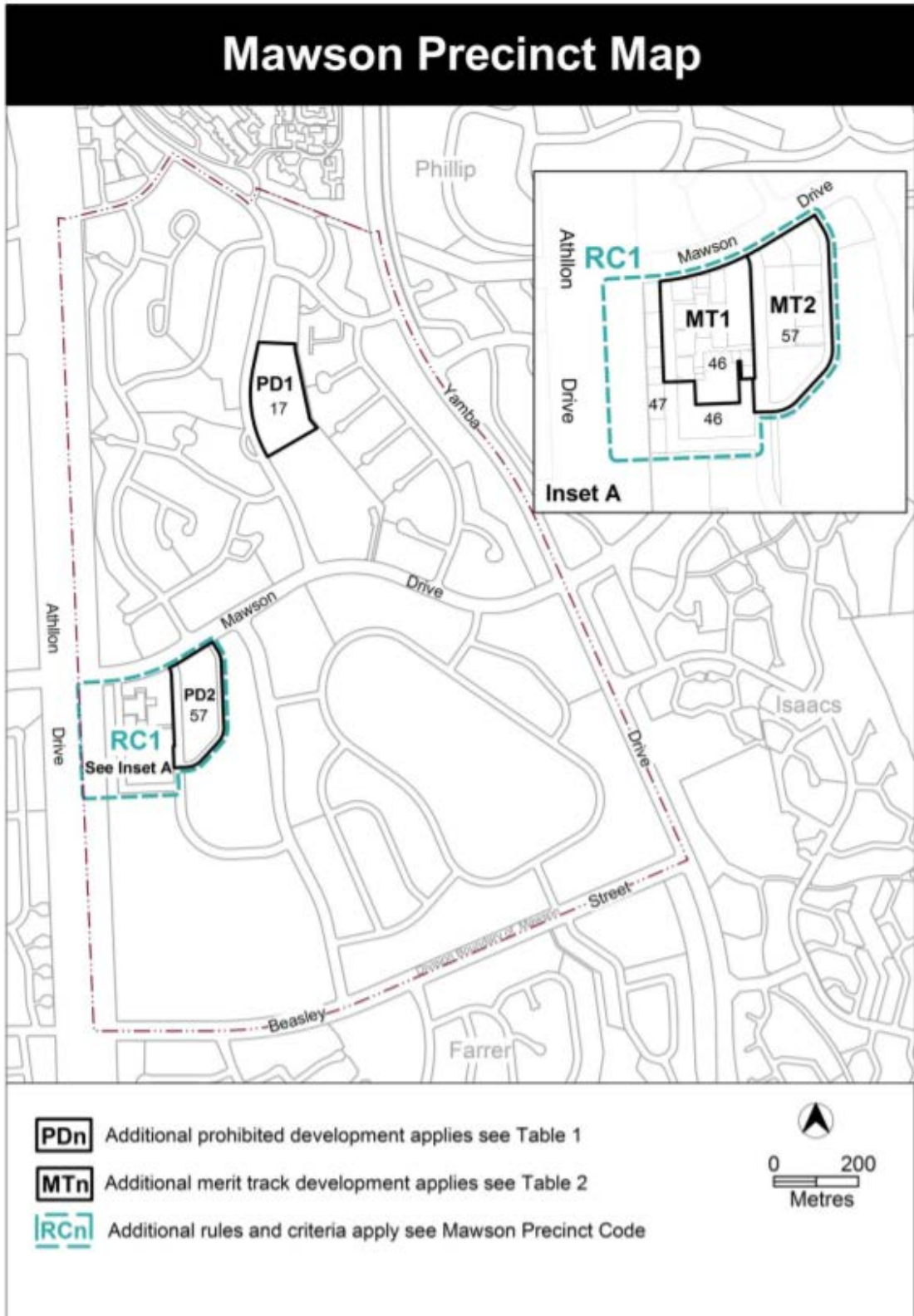


Figure 3: CURRENT MAWSON PRECINCT MAP

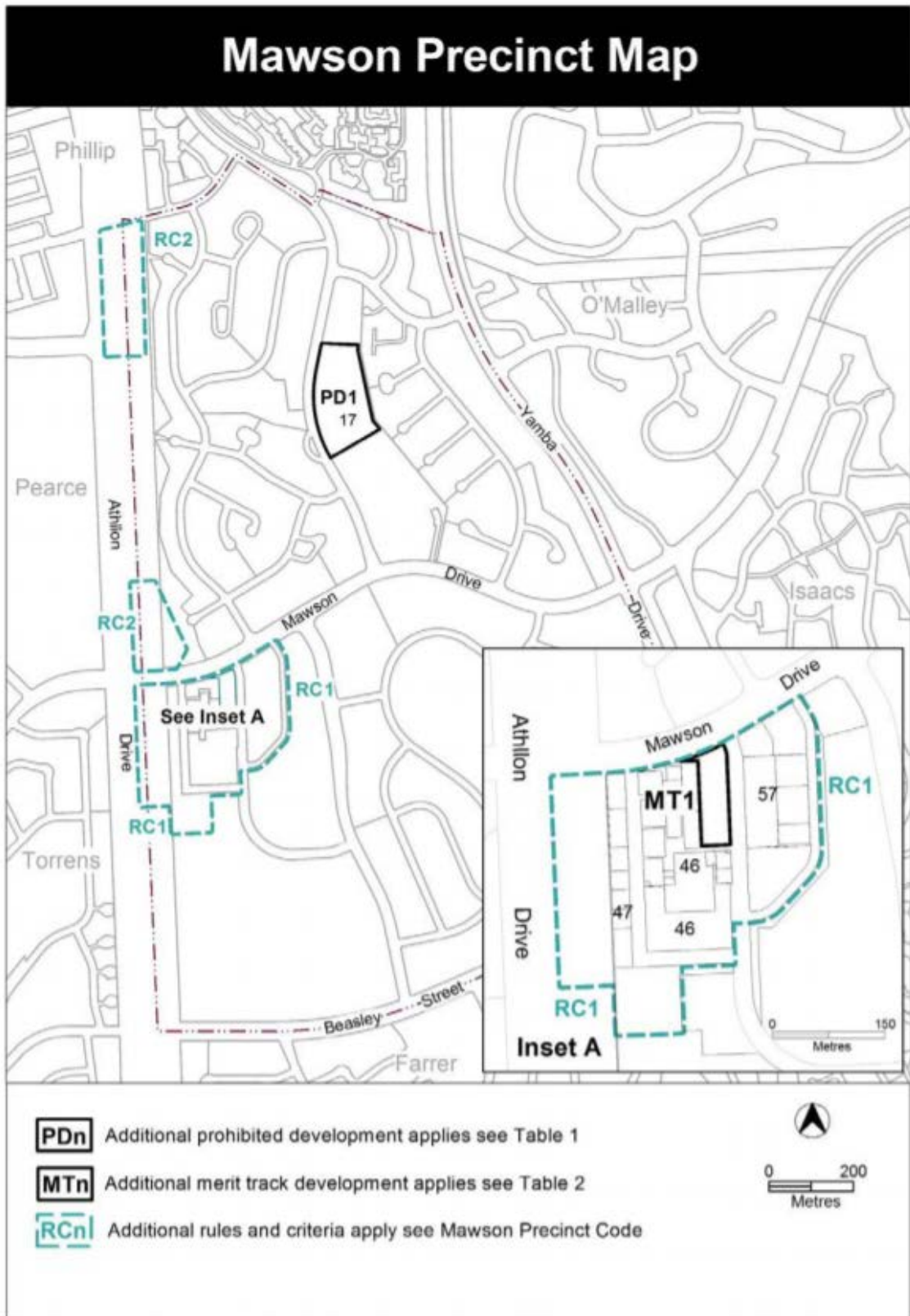


Figure 4: PROPOSED MAWSON PRECINCT MAP

CONSULTATION BY ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE

- 3.16 The Directorate released the Mawson Draft Variation for public comment on 3 March 2017. The closing date for comment was 21 April 2017, however this was extended to 2 June 2017.
- 3.17 The Directorate received 21 written submissions from individuals, businesses, community organisations, professional groups and a Member of the Legislative Assembly.
- 3.18 The key issues of public concern included:
- building heights, with views mixed between support for increased heights generally or in selected areas, and opposing views requesting lower building heights generally or in selected areas;
 - retention of the surface car parking areas and concern additional development will impact on parking;
 - retaining solar access to the central courtyard area and residential development;
 - mixed views of development along Athlon Drive with both support for increased density and opposition to increased density, particularly until the light rail route has been determined, and not at the intersection of Athlon Drive and Mawson Drive;
 - mixed views on zoning with requests for additional rezonings to support additional commercial development, as well as requests for lower density zoning in selected areas;
 - comments on the condition of existing footpaths and requests to include active travel paths in the variation; and
 - concerns with the impact of the light rail route on the outcomes of the variation.³⁶
- 3.19 In response to public comments no changes were made to the exhibited version of the Mawson Draft Variation.
- 3.20 The Directorate's report on the consultation was made available on their website.³⁷

³⁶ Draft Variation 345 Mawson Group Centre – recommended version, February 2018, p. 7, https://www.planning.act.gov.au/_data/assets/pdf_file/0009/1199718/DV345-recommended-to-the-Minister-s69.pdf.

³⁷ Draft Variation 345 – Report on Consultation, https://www.planning.act.gov.au/_data/assets/pdf_file/0005/1088573/DV344-Report-on-Consultation.pdf

COMMENTS ON CONSULTATION

- 3.21 The Committee notes that given the large amount of planning reports, codes, plans and strategies, it can be extremely complicated for individuals and community organisations who wish to participate meaningfully in public consultation.
- 3.22 The Committee also noted the length of time it took for the Mawson Draft Variation to progress following public consultation. This was of concern to the Committee as it brought with it the risk of changes in community expectations, changes in population and demographics and new development considerations.

UNDERSTANDING OF DRAFT VARIATION

- 3.23 The Territory Plan is a complex document. Draft variations to the Territory Plan can reflect this complexity and it can be difficult for lay persons to understand exactly what the existing rules are and how they will be changed by a draft variation.
- 3.24 The Committee notes that extensive sourcing and cross matching of relevant documentation is required to ascertain what has been amended in the Territory Plan or what is being referenced within the draft variation.

Recommendation 1

- 3.25 The Committee recommends that subject to the following recommendations Mawson Draft variation 345 be approved.**

Recommendation 2

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

4 MAWSON GROUP CENTRE MASTER PLAN

- 4.1 A master plan is a non-statutory document that sets out how a particular area can (as opposed to will) develop and redevelop into the future. It sets out objectives and strategies to manage development and change over time and defines what is important about a place and how its character and quality can be conserved, improved and enhanced.³⁸
- 4.2 In Canberra, the EPSDD prepares and periodically reviews master plans for all group centres, key transport corridors and areas adjacent to town centres.³⁹
- 4.3 The community and industry are engaged throughout the process, to ensure local issues and community values are considered.⁴⁰
- 4.4 Implementation of a master plan may involve:
- Territory Plan variations;
 - Sale of territory owned land;
 - Capital works;
 - Realisation of industry opportunities identified within the master plan; and
 - Further community consultation.⁴¹
- 4.5 The ACT Planning Strategy (2012) identified the need for a review of the Woden Town Centre Master Plan and the need for a master plan for the Mawson Group Centre inclusive of the Athlon Drive corridor.⁴²
- 4.6 Work began on the Mawson Group Centre Master Plan in 2013, with consultations beginning in February 2014. Following another round of community consultations in early 2015 the final Mawson Group Centre Master Plan was released in November 2015.⁴³

Recommendation 3

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

³⁸ Master plans, http://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans.

³⁹ Master plans, http://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans.

⁴⁰ Master plans, http://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans.

⁴¹ Master plans, http://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans.

⁴² Woden and Mawson master plans, https://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/master_plans/woden_and_mawson_master_plans.

⁴³ Mawson Group Centre Master Plan, November 2015, https://www.planning.act.gov.au/_data/assets/pdf_file/0010/898273/Mawson_Master_Plan-web.pdf.

5 KEY ISSUES

BUILDING HEIGHTS

HEIGHT MAXIMUMS AND SOLAR ACCESS

- 5.1 The Mawson Group Centre precinct code does not currently prescribe maximum building heights which means that the default building height for each zone applies. The Mawson Draft Variation would introduce maximum building heights in accordance with those illustrated in Figure 5.
- 5.2 The proposed height maximums in some locations was of particular concern to a number of submitters, largely due to concerns about overshadowing, solar access and a lack of human scale.⁴⁴
- 5.3 Whilst supporting the need for development the Woden Valley Community Council indicated that no building should be greater than six storeys:
- I would prefer to see it stop at six storeys in this sort of environment. I appreciate that we have to have development, and we are happy to have development. I think six storeys would be adequate.⁴⁵
- 5.4 The Woden Valley Community Council also indicated that although there were concerns about the Mawson Draft Variation having a negative impact on the ‘character’ of the Mawson Group Centre it was only really the low rise nature of the buildings and the open spaces that constituted the ‘character’ and that open public space was what was important.⁴⁶
- 5.5 In this context the Woden Valley Community Council expressed concerns about the building heights in the central shopping areas, particularly as they feared that solar access to the courtyard square would be limited and that human scale would be affected with an increase from the current one and two storey buildings to two and four storey buildings:

I think we need to keep the buildings low rise in Southlands because the zoning provides for four storeys down the western side. That will take out the sun of the little square. If we do it on the north side there is this other little area that is important to

⁴⁴ Submission No. 4, Hlubucek; Submission No. 6, Bignall; Submission No. 9, Griffiths; Submission No.29, Cullen; Submission No. 13, Bliss; Submission No. 14, Doyle; Submission No. 15, W Carrick; Submission No. 16, L Carrick; Submission No.17, Don Smith; Submission No. 18, Lawson; Submission No. 20, Peck; Submission No.22, McPherson; Submission No. 24, Lackenby; Submission No.26, Whyte; Submission No. 25, Dione Smith.

⁴⁵ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 6.

⁴⁶ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 6.

Southlands as well. Where the Commonwealth Bank was is a little square area. On this map it is underneath where it says “Mawson Southlands Shopping Centre”. It has a paved area and a cafe. There are a couple of cafes around there, and that is a potential area for public space to be better utilised. If we were to put four storeys on the north-western side that would potentially overshadow that as well. I see that we keep the shops as low rise, the existing one and two storeys we have. Then we can put the taller buildings around the shopping centre so we can retain the sun in the middle and the human scale, where the people are meeting. Then we have the residences at four, six storeys around the shopping centre.⁴⁷

We are objecting to putting tall buildings in areas on the north side of our public spaces and taking out the sun...In the centre itself, this is zoned for four storeys down the left side. If we do that, that will take out the sun for the little square we have in the afternoons and this little one over here that we are trying to have renewal around. We do not want to overshadow these. Put the six and eight-storey ones over here where they are less likely to have an impact over Athlon Drive and then over here where the clubs are, but not in the centre.⁴⁸

5.6 This sentiment was echoed by a number of submitters⁴⁹ including Lynne Bliss who stated:

The southlands centre were designed low scale and around a square that forms a sunny meeting place that has been utilised for the last 40 - 50 years, and hopefully well into the future.

Please retain the existing low scale 1-2 storey building heights around the central courtyard.

This square is important, the solar access is important and the businesses and residents love and rely on this sunny area. It will be lost if higher levels are introduced. Business will suffer. The community will lose its major meeting and coffee place. People do not linger in shaded areas.⁵⁰

5.7 In his submission to the inquiry Chris Erett also had concerns about the impact potential four storey buildings would have on the square:

The relevant criteria (C8), relating to area D, states that “ The maximum height of building may be increased to up to four storeys where the development retains reasonable solar access to the adjoining public square to the east between the hours of 12pm and 2pm during 21 June (winter solstice).” I have no confidence that this criteria will protect the usability of the public square given no definition of “reasonable solar

⁴⁷ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 5.

⁴⁸ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 10.

⁴⁹ Submission No. 4, Hlubucek; Submission No. 6, Bignall; Submission No. 9, Griffiths; Submission No.29, Cullen; Submission No. 13, Bliss; Submission No. 14, Doyle; Submission No. 15, W Carrick; Submission No. 16, L Carrick; Submission No.17, Don Smith; Submission No. 18, Lawson; Submission No. 20, Peck; Submission No.22, McPherson; Submission No. 24, Lackenby; Submission No.26, Whyte; Submission No. 25, Dione Smith.

⁵⁰ Submission No. 13, Lynne Bliss.

access” has been provided therefore open to quite different interpretations by developers and the community, and there is no requirement for solar access at all after 2pm.⁵¹

- 5.8 The small window of sunlight during the winter solstice was also highlighted by the Woden Valley Community Council who indicated to the Committee that:

The sunlight is two hours in winter between 12 and 2. That is not adequate. Two hours between 12 and 2 in winter does not make for a nice place.⁵²

- 5.9 Following on from this observation they also expressed concerns about the solar access criteria only referring to the ‘winter solstice’ and not to the impacts that overshadowing may have on solar access to the square during other times of the year:

On the winter one, that is a protected little square so in winter you get a lot of nice sunny days and people can sit out there. So I reject the premises that winter is miserable and people will not sit outside, because they will there. Secondly, outside of the solstice—the spring-autumn sort of thing—the sun has a wider arc in the spring and autumn so you can get a bigger impact in spring and autumn in the mornings and the afternoons with the buildings that are taller on the east and west side. When you have the taller buildings on the east and west side of your square, some of the morning impacts you do not get in winter because the arc of the sun is narrower, but you do get those morning and afternoon impacts in spring and autumn because the arc of the sun is wider, if that makes sense.⁵³

I am very concerned about spring and autumn because that is an ideal time to be outside. It is just that when you look at the planning documents, they only refer to the winter solstice; they do not refer to spring and autumn.⁵⁴

- 5.10 In its discussion with Committee on the issues relating to overshadowing and solar access it was acknowledged by the Directorate that the courtyard square was ‘the only place where there is any particular requirement around solar access apart from what is built in by the heights,’⁵⁵ and the Directorate provided the Committee with shadow diagrams that illustrated the shadowing effect across the town square at various times throughout the year with the current buildings and with buildings at the maximum height allowable under the Mawson Draft Variation.

- 5.11 It was noted that these images effectively illustrated:

⁵¹ Submission No. 28, Erett.

⁵² Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 11.

⁵³ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 17.

⁵⁴ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 17.

⁵⁵ Ms Le Couteur MLA, *Transcript of Evidence*, 3 September 2018, p. 43.

... the shadow diagrams of the group centre, the existing ones, from 9 am, 12 pm, and 3 pm. Then we have a general modelling of basically the maximum level of development that can happen, and that is looking at the same time frames, 9 12 and 3. If you look at number 4, that is 9 am for the proposed shadowing. If you compare it with the existing development, it shows that there is already a level of shadowing to the group centre. At 9 am, early morning midwinter, shows quite a bit of shadowing to the street and to the open space areas. But by 12 it has reduced considerably, and that is why we have looked at the provision for not shadowing between 12 and 2 pm. Before 12 the shadows are not going across the square because the light is coming from the wrong angle.⁵⁶

- 5.12 Argos Property expressed support for the height maximum as stipulated in the Mawson Draft Variation but also reiterated the need to keep the shopping area building height to no more than four storeys:

...we support building heights of six to eight storeys on several corner sites we have proposed consistent with the approved master plan.⁵⁷ We would also support two to four storeys in certain areas. I know there was some discussion earlier on about overshadowing and the like. We do not see areas in the core to be overly overshadowed or any issues being created by going to two to four storeys. For us it is really about consistency, clarity and understanding where those opportunities are. The marketplace will ultimately determine when developments occur, how they occur and what should go in those places.⁵⁸

Would we want to see eight to 10 stories through here? No, we certainly would not support that. But we see two to four stories, done appropriately, where you are not creating amenity issues, overshadowing and all those sorts of things. They would be done as part of the studies. But, again, with flexibility to have two stories through here or four stories, I do not see it as being a significant issue. I think so. It is then on a scale where there is value in it for an investor to start looking at.⁵⁹

If these were all to remain at that single storey level, you are really looking at, "Okay, I will paint it and patch it when this tenant goes and then there may be another tenant." Really, that is all you are talking about. It is roof top housing. Why can we not have some roof top housing that starts to create some community, life and activity? That does not need to be six to eight stories. It can be four stories or two stories.⁶⁰

- 5.13 Another submitter acknowledged the concerns about overshadowing but proposed that development should still occur if designed appropriately:

⁵⁶ Ms Kaucz, *Transcript of Evidence*, 3 September 2018, p. 40.

⁵⁷ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 30.

⁵⁸ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 30.

⁵⁹ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 36.

⁶⁰ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 36.

I have heard numerous concerns about overshadowing in this area. I do not think this issue should be overweighted as a barrier to development. Shadowing in this small space is inevitable with any change. I am sure good design concepts can increase the utility of this area.⁶¹

- 5.14 In this context the Directorate explained the thinking behind the distribution of height maximums throughout the Mawson Groups Centre:

Ordinarily when you look at a centre like this, heights tend to occur in the centre and then you would actually reduce your height as you move out. You would notice that this one is a little different in that we are keeping the lower scale within the middle of the centre and that primarily comes back to the square, which is quite a small square, and ensures that we provide ongoing access to sunshine during the winter solstice for that square.⁶²

Then we have looked at how can we cater for growth and provide for opportunities for redevelopment at a scale that is appropriate for a compact city but in a way, as I said, that maintains what we heard was important to that local community, which is why you are seeing the height being pushed out to the extremities where the impact will be less.⁶³

- 5.15 And went on to suggest that the concerns about human scale, particularly around the courtyard square, would be taken into consideration during the design and development assessment stages:

On three sides of the town square, as we have explained, that provides for two storeys, which certainly is at a human scale, and four storeys, depending on how it is designed. It can also appear at a human scale. It is about how you design the ground floor, whether you set back the upper levels, how you deal with your awning treatments and the like. Certainly four storeys and part of that potentially being two storeys, I would argue that that is certainly at a human scale. But we would be willing to deal with more of the detail during the development assessment stage.⁶⁴

- 5.16 It was acknowledged by the Directorate that the height maximums for buildings surrounding the courtyard square had been amended from what was in the Master Plan due to community feedback:

In terms of the town square itself, importantly, the master plan provided for four storeys but, in response to what we are hearing through the community engagement activities, that has been reduced to two storeys, essentially what is already there.⁶⁵

⁶¹ Submission No. 10, De Sousa.

⁶² Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 47.

⁶³ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 47.

⁶⁴ Mr Ponton, *Transcript of Evidence*, 3 September 2018, pp. 43-44.

⁶⁵ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 41.

Proposed building heights map – Mawson group centre

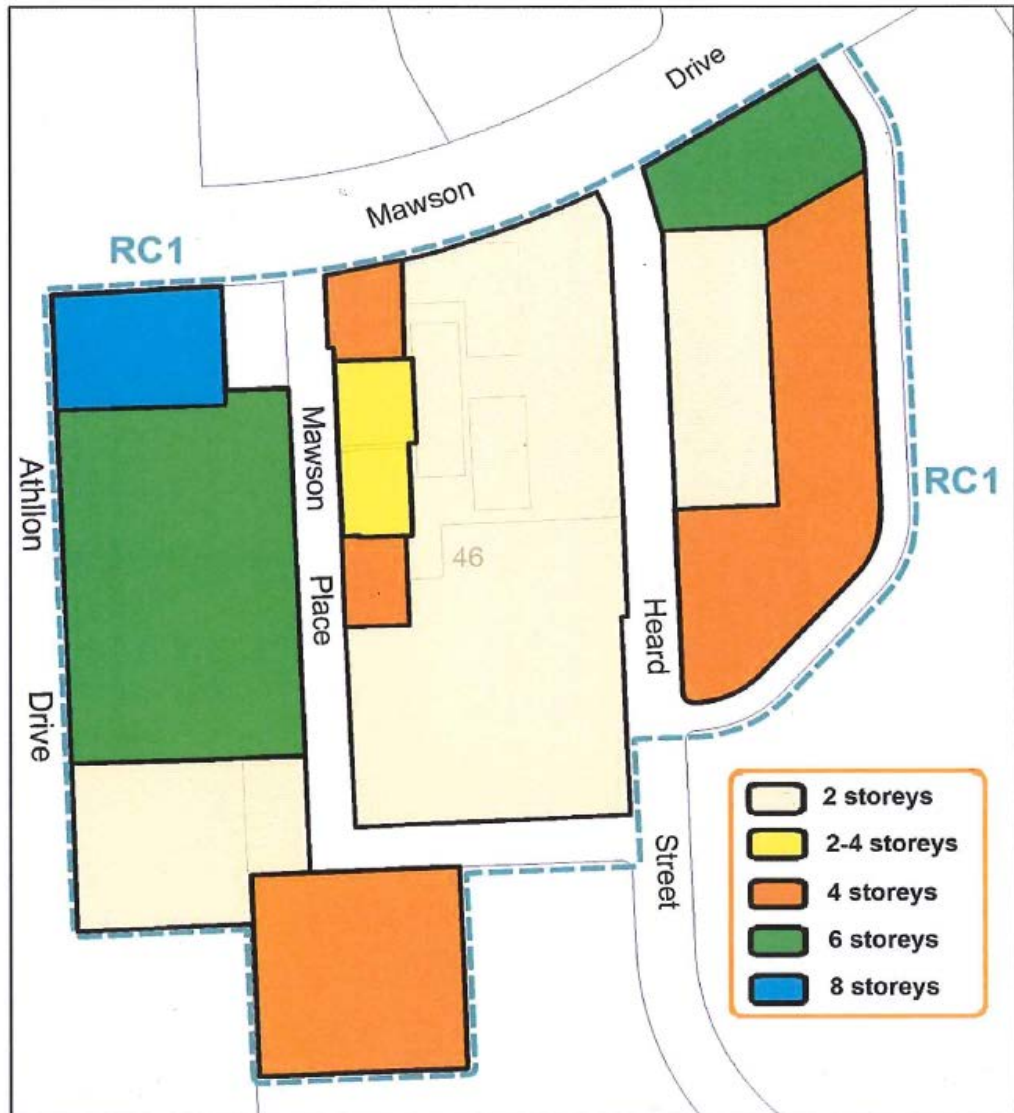


Figure 5: MAWSON GROUP CENTRE BUILDING HEIGHTS⁶⁶

HEIGHT CONSISTENCY ACROSS GROUP CENTRES

5.17 It was noted by the Woden Valley Community Council that the content of the Mawson Draft Variation was inconsistent with the Curtin Group Centre in terms of its height maximums and expressed concern at this trend:

I think it should be equivalent to what other group centres have. If Curtin and Dickson and all the rest of them are having six storeys, then I think there should be a level of consistency. If it is consistent to have eight storeys at group centres, then okay. But if it

⁶⁶ Environment, Planning and Sustainable Development Directorate, Supplied 3 September 2018.

is consistent to have six storeys at group centres, then I think that Mawson or Southlands should be consistent with the rest of them. I do not think it should be that some have six, some of have eight, some have 10.⁶⁷

5.18 In response the Directorate indicated that:

From a planning perspective, I would say no. Each centre is different. When you consider each centre, you should be looking at what it provides in terms of where it sits in the landscape. Is it in a valley? Is it on top of a hill? That makes a difference in terms of the heights. Curtin is sitting on top of a hill. This area is lower.⁶⁸

It also depends on the other developments that are occurring around centres, whether there is a large area of open space or whether it is quite a dense site. In fact, what I have been hearing over the past 18 months since I took on role of chief planner and have been engaging with community councils, industry and local communities is: "Our local community is a little bit different from the one next door." Therefore, in the planning scheme, the planning system should cater for that difference. I would argue that, in terms of what I am hearing from the community and in terms of good planning principle, you deal with each site depending...on its merits: as I said, where it sits in the landscape, what is unique about that particular location. To say that you would have group centres that are all six storeys or town centres that are all 20 storeys just does not work. You need to consider what is already in existence in terms of what is around there, what is the desire in terms of catering for growth, transport, a whole range of different things.⁶⁹

MARKER BUILDINGS

5.19 Concerns about building height underpinned the concerns communicated to the Committee about the concept of marker buildings being constructed in the Mawson Group Centre, with a number of the concerns stemming from statements allegedly made during the inquiry into Woden DV 344:

The dislike for the marker buildings stems from Woden. We are told we are having marker buildings in Woden so people can see the entrance to Woden and find their way around Woden when they are in Woden. We object to that because there are already tall buildings in Woden whereby when you approach Woden you know you are approaching Woden. You do not need further marker buildings for people to know they are approaching Woden. There is even a big sign when you come down Adelaide Avenue that says, "Woden".⁷⁰

⁶⁷ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 6.

⁶⁸ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 52.

⁶⁹ Mr Ponton, *Transcript of Evidence*, 3 September 2018, pp. 52-53.

⁷⁰ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 6.

So to tell us we need marker buildings to know we are approaching Woden is insulting, and to tell us we need marker buildings to find our way around Woden is also insulting.⁷¹

Maybe it is a language thing, a marker building. The people that frequent Southlands do not need a marker building. So you or someone from the north might come down once a year, well, there is GPS. You did find your way there. We do not get a lot of tourists. I wonder how many tourists come to Southlands. You might need marker buildings in the city or the parliamentary triangle for tourists, but I would like to know how many come to Woden or Southlands that we need to provide marker buildings so they know where they are.⁷²

I think it might be a language thing. As I say, we are happy to have development and we are happy to have six storeys; I just do not know about calling them marker buildings. When I go to Gungahlin or Belconnen, I am not familiar with those places either. I have to find my way around with the map. I just had a lady on the bus today saying how she had been to Gungahlin with her daughter on the weekend and how hard she found it to get around. Nobody is familiar with everything. If you are not familiar with an area, you will have to use the map to find your way around. What is the marker building for? Is it for the local resident? I think Mawson and Southlands should be for the people who live there, for the community there, and not because somebody might come from somewhere else and not be familiar with the area. I do not think a marker building is going to help somebody that is not familiar with the area. They are still going to need a map to find where they want to go.⁷³

5.20 It was apparent to the Committee as the hearing progressed that the understanding of the concept of a marker building was a key factor in the resistance to such a building being constructed on the corner of Athlon Drive and Mawson Drive, largely as the term 'marker building' was being equated with 'tall building'.⁷⁴

5.21 A member of the Committee stated that:

I think that 'marker building' means a whole range of things. Perhaps it equates to one specific thing for you and perhaps that is why I just cannot seem to get my head around your logic. Like I said, in Europe traditionally in the old towns it is a church on the top of a hill. It is a marker building because everyone gravitates towards it because it is different in its form and it is in the centre of the town.⁷⁵

⁷¹ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 6.

⁷² Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 7.

⁷³ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 8.

⁷⁴ *Transcript of Evidence*, 3 September 2018, pp. 6-11.

⁷⁵ Ms Orr MLA, *Transcript of Evidence*, 3 September 2018, p. 11.

It is the point that it does not have to be a tall building. It is usually a significant building of some type that gives you place and makes place.⁷⁶

- 5.22 In this context the Committee was questioned about how this concept of a marker building could be achieved:

If this were an eight storey and if it were a special design that everybody went past and said, “Wow, look at that!” then maybe okay. But how do we guarantee that it will have that wow factor, that it will be a special marker?⁷⁷

- 5.23 In response the Committee suggested that it could recommend that developers looking at developing a marker building be required to develop a building that has a ‘wow factor’ and which needs to take on a ‘particular significance.’⁷⁸

- 5.24 Later in the hearing the Directorate asserted that:

In terms of the term “marker building”, I did hear some of the evidence this morning and I will just make the observation that a marker building is not there to help you to find your way there.⁷⁹

A marker building can frame a space. What I mean by that is that you might see marker buildings on the four corners of a commercial centre. You might see a marker building on the main entry to a commercial centre. It is more about framing, identifying a space as opposed to saying, “I am in Woden. I need to get to Mawson. How do I get there?” It also provides for visual interest in the landscape. Again in terms of a marker, it is about providing for that variety in terms of the built form.⁸⁰

- 5.25 Despite the extensive contention over the existence and purpose of a marker building the Committee heard evidence that supported the development of a tall building on the corner of Athlon Drive and Mawson Drive with Arthur Petsas from Argos Property also suggesting that the Mawson Group Centre could benefit from a six-eight storey buildings on Block 25, Section 47 and possibly in Section 57:

There is an opportunity, potentially, to do something here with some height. With two to three storeys, four storeys, I guess you are limited by the commercial opportunities that come with that. There is an opportunity for height here.⁸¹

- 5.26 There was additional support for increasing the height maximum to eight storeys on Block 1, Section 57 particularly from the Canberra District Rugby League Football Club Ltd who felt it

⁷⁶ Ms Orr MLA, *Transcript of Evidence*, 3 September 2018, p. 11.

⁷⁷ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 12.

⁷⁸ Ms Orr MLA, *Transcript of Evidence*, 3 September 2018, pp. 12; 13.

⁷⁹ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 47.

⁸⁰ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 47.

⁸¹ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 36.

would facilitate the development of a future mixed use development.⁸² It was claimed by the Canberra District Rugby League Football Club Ltd that ‘the higher built form would not overshadow adjacent land uses and would provide a vertical element to the group centre in this location’⁸³

BUILDING HEIGHTS - IMPACT ON EXISTING VIEWS

5.27 Concerns about the impacts of the potential heights of developments on the views of the units bordering the Mawson Group Centre, particularly the ‘Great Wall’ development on Wilkins Street, were also canvassed by the Committee.⁸⁴

5.28 In response the Directorate stated that:

Having said that yes, there will be an impact, views are not a primary consideration in planning terms. If you think about any block of land that anybody purchases, there is a risk that somebody will build something next door. When I purchased my block of land I had a fantastic view. Somebody built a two-storey house next door. I do not have that same view. But I expected when I bought the block of land that there was a good chance that somebody was going to build something next door.⁸⁵

5.29 In an answer to a Question Taken on Notice the Directorate further indicated that:

There are a range of variables that will affect the total height of development, including the intended use on the blocks immediately to the west of the units. If the future development were entirely residential, then it is likely that the ground floor and possibly first floor units along Wilkins Street to the east of Mawson Group Centre will have their views over the Group Centre impacted. If the development is entirely commercial with increased floor to ceiling heights, it is likely that the ground and first floors and possibly the second floor will have their views over the Group Centre impacted. In both scenarios the views from the top floor units will be less impacted by development within the Group Centre.⁸⁶

5.30 The Directorate also indicated that there had been ‘ample opportunity’ for the residents in those units that would be possibly affected, to be engaged in the process and would be ‘very aware of the proposed changes’.⁸⁷

⁸² Submission, No. 3, Canberra District Rugby League Football Club Ltd.

⁸³ Submission, No. 3, Canberra District Rugby League Football Club Ltd.

⁸⁴ Ms Le Couteur MLA, *Transcript of Evidence*, 3 September 2018, pp. 44-45.

⁸⁵ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 45.

⁸⁶ *Answer to Question Taken on Notice No.1*, 13 September 2018.

⁸⁷ *Transcript of Evidence*, 3 September 2018, pp. 45-46.

COMMITTEE COMMENT

- 5.31 The Committee also recognises that the Mawson Group Centre is in need of redevelopment and renewal. It also recognises that increased height limits in some areas will support the financial viability of this redevelopment.
- 5.32 However, the Committee notes there are continuing concerns about the proposed building height limits and their impacts in some parts of the Mawson Group Centre, including in relation to scale, 'character', solar access and views. Most critical are concerns about scale and overshadowing around the courtyard squares.
- 5.33 The Committee appreciated the shadow diagrams supplied by the Directorate that showed the overshadowing effects of current and proposed buildings in the Mawson Group Centre, however, it was observed by the Committee that the nature of the development, including setbacks, height allowances, building dimensions and building orientation may not be the same as shown in the diagrams.
- 5.34 The Committee noted that, as currently drafted, the overshadowing protections in C8 would only apply to sites on the western side of the main courtyard square. However, both sites on the eastern side of the main courtyard square also need to be considered. These are currently single-storey buildings of modest height, while two-storey redevelopment is permitted by the proposed Mawson Draft Variation. Given that a storey can vary from 2.5m to over 6m in height, a future redevelopment could create much more morning overshadowing. This is not identified by the shadow diagrams, or covered by C8.
- 5.35 The Committee also noted that the shadow diagrams show that the current wording of C8 would allow the almost complete removal of mid-afternoon winter sunshine in the courtyard.
- 5.36 The Committee further noted that there is another sunny courtyard square further north between Block 3 and Block 8, Section 46. Whilst currently less used, it is also an attractive part of the centre with the future development proposed, passing trade through this area is likely to increase. However, re-development of the sites adjacent to it, whilst allowed by the Mawson Draft Variation, is not identified in the shadow diagrams or covered by C8.

Recommendation 4

- 5.37 The Committee acknowledges the need for revitalisation of the Mawson precinct as well as the maintenance of solar access to the main courtyard square and recommends the Government implement R8 and C8 as proposed in the Mawson Draft Variation.**

Recommendation 5

- 5.38 The Committee recommends overshadowing provisions are included in the Mawson Draft Variation that will apply to any future development of Block 3, Section 46; Block 7, Section 46; Block 8, Section 46; Block 10, Section 46; Block 17, Section 46 and Block 26, Section, 46.**

Recommendation 6

- 5.39 The Committee recommends that overshadowing provisions are included in the Mawson Draft Variation to ensure protection for morning and mid-afternoon sun for the main (between Block 7 and Block 26, Section 46) and northern (between Block 3, Section 46 and Block 8, Section 46) courtyard squares.**

CAR PARKING / ADDITIONAL SUPERMARKET

QUANTUM OF CAR PARKING SPACES

- 5.40 The maintenance of the current quantum of car parking spaces at the Mawson Group Centre was an issue raised on a number of occasions throughout the inquiry with the Woden Valley Community Council stating that:

We have not counted up the car parks, but we would not like to see a reduction in public car places. In fact, it would be better to have the public car parking increased. It is interesting how you would fit that in with the two storey residential, because that is what that is zoned for.⁸⁸

- 5.41 There were also requests by submitters to retain specific surface car-parking areas, such as that at Block 6 Section 57. In particular the Canberra District Rugby League Football Club Ltd expressed their concerns in both the public consultation process and to the Committee about the impacts on club viability and patron safety:

...it will lose access to short stay publicly accessible parking adjacent to its site. This surface parking was originally provided by the (then) Government to support recreation clubs located on this side of Mawson Group Centre and we have relied heavily on this provision to maintain Club viability.

We note that there is a requirement for replacement parking in the draft Code as well as generated parking associated with any new development. However, we also note that DV 345 does not mandate that all parking be located on Block 6, and that there is provision in the Variation for a future development to relocate some (but not

⁸⁸ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 13.

necessarily all) of this parking to another site (presumably part Block 25 Section 47 which is at least 300m from the entrance to the Club. Moreover, there is no mandatory requirement that the full parking obligation is met, the clause saying provision of a "substantial contribution" only.⁸⁹

- 5.42 The Directorate acknowledged the need to replace the car parking spaces as well as accommodate development demands and, in contrast to the view of the Canberra District Rugby League Football Club Ltd, stated that:

...as I understand it the draft variation does provide for replacement car parking. If a car park is sold for development and it has 100 car parking spaces then the requirement is that you need to replace those 100 car parking spaces plus provide for parking that the development will generate in terms of the need. If it is a shop and residential, there is a combination of parking that will be required for that in addition to the 100 spaces that are being lost. So this plan, should development occur in accordance with the master plan and the Territory Plan variation, will not result in less car parking on the site.⁹⁰

- 5.43 In further correspondence to the Committee the Directorate corrected what had been stated in Hansard in relation to the potential to relocate replacement parking and provided additional clarification on the relevant rule and criterion, stating that:

The Committee asked whether the replacement car parking would need to be provided on site or could it be located elsewhere. I would like to clarify that the relevant rule in the existing Mawson precinct code, rule R4, requires replacement car parking to be provided on site. I would like to add that the criterion associated with the rule does permit consideration of replacement car parking elsewhere within the centre. Consideration of alternate locations would be subject to the provision and assessment of a parking study prepared by a suitably qualified individual identifying alternate locations for replacement car parking that provides the community the same or similar levels of convenience and accessibility within the group centre.⁹¹

SURFACE VERSUS BASEMENT CAR PARKING SPACES

- 5.44 The type of car parking that would be made available to those frequenting Mawson Group Centre was discussed at length throughout the inquiry with many believing the ease of access and convenience of the surface car parking was of significant value to the Mawson Group Centre:⁹²

⁸⁹ Submission No. 3, Canberra District Rugby League Football Club Ltd; Canberra District Rugby League Football Club Ltd, Public Consultation Submission.

⁹⁰ Mr Ponton, *Transcript of Evidence*, 3 September 2018, pp. 47-48.

⁹¹ Correspondence with Committee, Dated 13 September 2018.

⁹² Submission No. 4, Hlubucek; Submission No. 6, Bignall; Submission No. 9, Griffiths; Submission No.29, Cullen; Submission No. 13, Bliss; Submission No. 14, Doyle; Submission No. 15, W Carrick; Submission No. 16, L Carrick; Submission No. 18,

Many visitors to Southlands go there in a private vehicle because they are doing their weekly shop (which is too large to lug home by walking or on the bus) or driving their children to a team sport training session during the week or a weekend competition. The ease of access to Southlands afforded by the southern and eastern surface carparks should be retained. They are of key value to the local community.⁹³

I feel it is vital to retain the southern and eastern surface carparks because parking availability is central to the centre's convenience and function. The southern carpark is also frequently used by families supporting their children's sports on the adjacent ovals. These carparks are already at their maximum capacity as on many occasions it is difficult to get a park. This shopping centre is not only used by local residents it is frequented by many South Canberra and Tuggeranong residents on their way home from work.⁹⁴

- 5.45 This view was supported by Argos Property who also expressed concerns about the replacement of surface parking without due consideration for the Mawson Group Centre as a whole:

I have always been a strong believer that it is important in a planning context to protect the very characteristics that make these centres successful—it is not just Mawson; it could be other centres across Canberra—and parking is certainly one of those. The reason Mawson is successful is convenience. People are able to come and shop, not just at the Woolworths but across to the rest of the shopping centre. They can park, do their thing and they are out.

That is very important from our point of view and it provides a level of convenience that the community really supports. So retention of surface car parking for the convenience of shoppers is strongly supported. We would like to see an inclusion of a mandatory rule that protects that very characteristic—the key things that make it important.

Without going into too much detail or specifics, there are unfortunately various examples across Canberra where previous public car parks have been divested or sold and have been allowed to be developed—or not, in some instances—without proper attention to the wider urban design and social amenity interests of the whole centre. They are the very things we have always strived for, have been very vocal about and are very keen to protect in this instance.⁹⁵

Lawson; Submission No. 20, Peck; Submission No.22, McPherson; Submission No. 24, Lackenby; Submission No.26, Whyte; Submission No. 25, Dione Smith; Submission No. 8, Caruana.

⁹³ Submission No. 25, Dione Smith.

⁹⁴ Submission No. 5, McDonald.

⁹⁵ Mr Petsas, *Transcript of Evidence*, 3 September 2018, pp. 28-29.

- 5.46 Argos Property were particularly focused on maintaining surface parking capacity on Block 25 Section 46 as it felt it was ‘critical to customer convenience and business viability for adjacent traders and property owners’ and sought:

...to include a mandatory Rule that requires retention of existing parking spaces on this site as publicly accessible surface parking to achieve the above objective. Retention of surface for the convenience of shoppers is strongly supported and ones that provides the Mawson Centre with an important point of difference for customers that will be endorsed by the local community.⁹⁶

- 5.47 The potential replacement of surface car parking with basement or structured car parking was also seen to be not appropriate for the Mawson Group Centre:

Parking can be replaced by being put in basements and other places. People go to the Woden town centre and the Belconnen mall and the city where there are basements and multistorey car parks, and that works for that type of amenity and that type of offer because it is different. People also want the convenience: the ability to park, the ability to access their stores and the offer that they need and be in and out in an hour, two hours, without the hustle and bustle of multistorey car parks. We are talking about an ageing demographic in these areas. I regularly see older folk parking their cars. As I said, to me it is more than just saying you will replace the numbers that were there because you can replace them in different ways.⁹⁷

Yes, and you will have multiple people with different opinions. I think people undervalue the benefit of surface car parks to centres like this. They really do. I live at Gungahlin and, without getting into that conversation, that is a rabbit warren. That is so inconvenient you just do not want to go there, with all due respect to the planning process out there. I would hate over time there to be this perception that, “Just get rid of it, develop it and we’ll sell it. We’ll make some money. We’re creating density.” There are better ways of achieving those broader strategic aspirations, whether that is density or growth or investment within centres. There are better ways of achieving that goal strategically than by just targeting surface car parks. As I said, that is the very thing that makes these centres successful.⁹⁸

I think surface car parks provide accessibility and a convenience that you just do not get from multi-storey developments, in effect.⁹⁹

- 5.48 In response to these views the Directorate indicated to the Committee that they did not think surface car parking was unique to Mawson Group Centre and that other forms of parking provided additional benefits:

⁹⁶ Submission No. 19, Argos Property.

⁹⁷ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 30.

⁹⁸ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 31.

⁹⁹ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 34.

My only other observation is that I do not think that service car parking is unique to Mawson. In fact, if you look at many areas across Canberra, service car parking has been provided essentially as a temporary use pending sale and redevelopment of those car parks. Even in newer centres like the Gungahlin town centre you still see surface car parking but over time that surface car parking will become basement car parking.¹⁰⁰

I suppose that if you look at parking in general, structured car parking can also provide a similar opportunity for additional parking to be provided, also along with new facilities such as cleaning and detailing services that we see perhaps down in Tuggeranong to be co-located within a parking structure. There is opportunity there.¹⁰¹

5.49 In response to claims that basement parking would impact on convenience the Directorate stated:

No, I do not necessarily agree with that. I have seen some examples where, if you design your development well and you provide for multiple access and egress points and it is easy to get into the basement car parking particularly during the day or wet weather, middle of winter in Canberra, people will prefer basement car parking to surface car parking.¹⁰²

ADDITIONAL SUPERMARKET

5.50 Whilst there was support for a second supermarket in the Mawson Group Centre there was contention as to the most appropriate site for such a supermarket to be located.¹⁰³

5.51 The Directorate in an answer to a Question Taken on Notice explained that Block 6, Section 57 had been nominated as the site for a second supermarket because it:

...has an area of 5,202m², which is sufficient to permit a full line supermarket of 3,000m². This configuration would necessitate the adjoining blocks to realign their front entrances to Mountevans Street, as recommended in the master plan and identified in the draft variation through the active frontage requirement to Mountevans Street. Retaining the existing level of access to the adjoining blocks with a 20 metre easement to the north and south, and 17 metre easement to the east around the future development would reduce the available development space to approximately 2,500m², sufficient for a mid-range supermarket.¹⁰⁴

¹⁰⁰ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 50.

¹⁰¹ Minister Gentleman, *Transcript of Evidence*, 3 September 2018, p. 49.

¹⁰² Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 50.

¹⁰³ *Transcript of Evidence*, 3 September 2018, pp. 1-38; 44-63.

¹⁰⁴ *Answer to Question Taken on Notice No. 3*, 13 September 2018.

- 5.52 Much of contention stemmed from the ALDI submission, which despite supporting the rezoning of a site in the Mawson Group Centre to allow for a supermarket, expressed concerns about the nominated site, Block 6, Section 57.
- 5.53 In their submission Aldi indicated that to be feasible ALDI needed to be part of a mixed use development, with basement car parking, the ALDI store on the ground floor and residential accommodation above.¹⁰⁵ It also indicated that the current ‘fragmented lessee/ownership’ of the Mawson Group Centre and the restrictive controls limiting Gross Floor Areas for shops in Commercial Zones have been factors that have resulted in ALDI not being able to obtain a suitable site to date.¹⁰⁶
- 5.54 ALDI’s main concerns about the proposed supermarket site at Block 6, Section 57, centred around the ‘restrictive 8m height limit’ which would not enable mixed-use development, the inability to facilitate operational requirements of the store, in particular loading and waste storage, whilst providing an acceptable interface with the club; and the possible reduction in car parking in close proximity to the club as a result of the construction and operation of an ALDI store.¹⁰⁷
- 5.55 In their submission ALDI nominated Block 25, Section 47 as an alternative site with the structured car-park currently proposed for this site to be built on Block 6, Section 57.
- 5.56 Argos Property also believed that Block 25, Section 47 was the preferable site for a second supermarket and suggested the proposed zoning for Block 25, Section 47 be amended. In evidence to the Committee it was stated that Block 6, Section 57:

... does not work for a supermarket, and others will tell you that, for various reasons. It is inaccessible. It also, as I said, diminishes the very amenity that makes these clubs very successful. If you took away that surface car park I would hate to think what that would mean for those clubs and how you could reposition those clubs in the future. The car park I am referring to is block 25 section 47, which is the car park adjacent to the tennis club. That is called out as a CZ3 zoning. We see that as a real opportunity for the southern side of that centre with potentially a mixed-use development with some height of six to eight storeys. I know there has been some debate and controversy around heights, but we certainly see that as an opportunity, including potential for a second supermarket.¹⁰⁸

- 5.57 The Directorate indicated that the height maximum of four storeys, rather than the requested six-eight storeys, for Block 25 Section 47 was needed because:

¹⁰⁵ Submission No. 21, ALDI.

¹⁰⁶ Submission No. 21, ALDI; ALDI, Public Consultation Submission.

¹⁰⁷ Submission No. 21, ALDI.

¹⁰⁸ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 29.

South of that, that block is the playing fields. The idea was that it was stepping down. You have got that higher height to Athlon Drive, where it is a bit more urban, but then stepping down to the playing fields. That site has also got a provision to have a 30-metre setback to the playing fields on it to help with that connection in that stepping down as well.¹⁰⁹

- 5.58 Whilst other submitters acknowledged that Block 25 Section 47 (with amended zoning) would be a viable site for a second supermarket they raised concerns in relation to concentrating the supermarkets at the southern end of the Group Centre:

I note that ALDI were interested in the car park in the southern area next to the tennis courts. That seems like a reasonable position to have one. You could get access from Athlon Drive. My only concern if they were to put one so far south is the impact it would have on the northern part of the Southlands centre, which is very quiet. There is not a lot of reason to go there, and if activity is further drawn to the south, what does that mean for that northern part? How do we activate it?¹¹⁰

Maybe ALDI could be down there if we made sure we had enough retail and public spaces in the north to draw people there as well.¹¹¹

Maybe there is a way to find a spot in the north so it balances it out more in the north: one supermarket in the north and Woolies in the south. And then they have people walking in between. Maybe that is the better way to go, to have the supermarket in the north to balance it up.¹¹²

- 5.59 The Directorate echoed these sentiments and indicated that:

It was looked at for the master planning process and it was looking at or focusing on the sort of activity and the attention of the group centre to the centre. That southern car park was moving more the activity further south rather than concentrating it in the centre. That was why the one to the east was considered, to keep it in that more central location. That was the thinking behind it.¹¹³

- 5.60 The Directorate also stated that it was not looking at one supermarket provider in particular and acknowledged that each proposed site would have its pros and cons for respective owners and/or tenants:

In terms of the problems, as I understand it, it is the evidence that you have been provided by one supermarket operator.¹¹⁴

¹⁰⁹ Ms Kaucz, *Transcript of Evidence*, 3 September 2018, p. 44.

¹¹⁰ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 15.

¹¹¹ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 15.

¹¹² Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 16.

¹¹³ Ms Kaucz, *Transcript of Evidence*, 3 September 2018, p. 48.

¹¹⁴ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 60.

I understand that ALDI, in terms of their business model, do like to be located close to other supermarkets because they do not necessarily provide everything. People might go into ALDI and get some things and then go into Woolies or Coles and get other things. We are looking at this in terms of planning outcomes. Looking at that site and not having done detailed analysis on this, my immediate response would be: I would be concerned that you would be having the back of house facing the playing fields and how that would then relate, whereas we have gone to some effort in the plan to ensure that there is a relationship between that green space that seems to be highly valued by the community and how that interacts with this site. As I said earlier, the risk is that you start to pull all the activity away from the centre, which means these other smaller developments, smaller retail opportunities, might suffer as a result of that. We are trying to get people walking through this area actually utilising the spaces and stopping along the way to buy things from the smaller shops. There are pros and cons of both and we are happy to hear the views of the committee in its final report.¹¹⁵

- 5.61 The CZ2 zone on Athlon Drive was also proposed as a possible site for a second supermarket, however, the Directorate indicated that the site:

has a general provision that says you cannot have a supermarket or shop more than either 200 or 300 square metres, depending on what it is across the road from. So you would not be able to put a supermarket with the current CZ2 zoning on it.¹¹⁶

- 5.62 They further stated in relation to this site that:

...even if there were a light rail stop in terms of the type of retail that you are referring to, Ms Le Couteur, which is your convenience retail, then the CZ2 zone would allow for that, which is your smaller shops as opposed necessarily to your large-scale supermarkets. For example, the Northbourne work that has been done, the Macarthur nodes, is looking at convenience shopping opportunities as opposed to large-scale supermarket opportunities.¹¹⁷

COMMITTEE COMMENT

- 5.63 The Committee notes the concerns raised by many submitters about various aspects of redevelopment of the surface carparks, including a clear preference for surface car parks over basement car parks. The Committee understands the preference that businesses and the community have for surface car parking as opposed to basement or multi-level parking. Ease of access and visibility of parking are seen as major drivers for passing trade. Further, basement

¹¹⁵ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 63.

¹¹⁶ Ms Kaucz, *Transcript of Evidence*, 3 September 2018, p. 48.

¹¹⁷ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 49.

or multi-level parking that is designed to discourage shoppers from leaving the development would impact on businesses nearby.

- 5.64 The Committee also notes the concerns raised by ALDI about whether Block 6, Section 57 is suitable for a second supermarket.
- 5.65 The obvious response to these two issues would be shifting the second supermarkets to Block 25, Section 47 and leaving the other surface carpark at Block 6, Section 57, undeveloped. However, the Committee is concerned about the impact this would have on the small businesses in the northern half of the centre. Building a new supermarket with extensive car parking and supporting speciality shops at the southern end of the centre would move shoppers south, away from the current small businesses. This would have a devastating effect on their passing trade and the unique character of the centre.
- 5.66 Instead, the Committee believes that these concerns are better dealt with through planning rules that ensure any development on the surface car park is designed so that the replacement parking is easily accessible to the whole centre, not just in the development itself.

Recommendation 7

- 5.67 The Committee recommends the current quantum of car parking spaces be retained as part of any future redevelopment of each existing surface car park site.**

Recommendation 8

- 5.68 The Committee recommends that R4 and C4 are strengthened to ensure that the design of any future basement or multi-level parking on the surface car parks promotes shopping in the whole centre, not just in the development itself.**

Recommendation 9

- 5.69 The Committee recommends the ACT Government continue to pursue a second supermarket on Block 6, Section 57.**

PARK AND RIDE FACILITIES

- 5.70 The majority of submitters expressed the desire that the current park and ride facilities be maintained in the current location:¹¹⁸

Retain the park n ride site because it is critical for many of the public transport users to access public transport and jobs and services. I use this car park to access theatre and picture theatres both during the week and weekends as well as shopping trips to the city. I meet up with other friends at this car park and catch the blue rapid to the city.¹¹⁹

The park 'n' ride is very popular and often full because it provides an efficient means of getting people to the main north-south public transport alignment on Athlon Drive. It is critical that these facilities are convenient for the community to use in order to attract people to public transport.¹²⁰

- 5.71 Whilst it was acknowledged that the Mawson Draft Variation provides for a park and ride facility to be maintained at the site (unless Transport Canberra and City Services endorses otherwise), there was difficulty in understanding how the park 'n' ride could be facilitated within an eight storey marker building development:

I appreciate that we could have a structured car park there to service the people coming through from Tuggeranong and from the south of Woden. It is interesting to think how a park and ride could be embedded in a residential tower. The zoning provides for an eight-storey residential tower; so it would have to have enough parking to cater for all the residents, plus a massive number of people who use that park and ride to get to work in peak times.¹²¹

- 5.72 In response to these concerns the Directorate stated that:

In terms of that particular car park, again it comes down to that provision that says that you would need to replace the existing car parking. Having this as a development opportunity does not mean that you would lose the park-and-ride facility because that could be catered for within the new development.¹²²

Actually rule 4 is the one that covers the replacement car parking, but there is an additional one, rule 5, that specifically mentions the park-and-ride; so that that needs to be replaced as part of the development. We have got that covered.¹²³

¹¹⁸ Submission No. 4, Hlubucek; Submission No. 6, Bignall; Submission No. 9, Griffiths; Submission No.29, Cullen; Submission No. 13, Bliss; Submission No. 14, Doyle; Submission No. 15, W Carrick; Submission No. 16, L Carrick; Submission No. 18, Lawson; Submission No. 20, Peck; Submission No.22, McPherson; Submission No. 24, Lackenby.

¹¹⁹ Submission No. 22, McPherson.

¹²⁰ Submission 27, Woden Valley Community Council.

¹²¹ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 2.

¹²² Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 49.

¹²³ Ms Kaucz, *Transcript of Evidence*, 3 September 2018, p. 49.

7-ELEVEN

- 5.73 Concerns were raised by Milestone Pty Ltd on behalf of 7-Eleven about the changes to the zoning of the current location of their service station. Concerns centred around the possible impact on the ongoing viability of the service station.¹²⁴
- 5.74 The Committee notes that Mawson Draft Variation has changed the zoning for the site, Block 1, Section 47, from CZ3 – Services Zone to CZ2 – Business Zone. According to the Territory Plan service stations are prohibited in CZ2 zones.¹²⁵
- 5.75 Whilst expressing a desire to maintain operations at that location Milestone Pty Ltd indicated that 7-Eleven had expressed concerns that the change in zoning would enable the ACT Government to break the current 99 year lease with the operators and force them to relocate:

7-Eleven is permissible in this current zone and they see these plans before them as obviously contemplating a new form of development of this site. The question or concern from 7-Eleven is: can government now essentially move in and say, “We want to terminate this lease. Our vision now is to have mixed used development on this site. Your use is no longer viewed as being compatible by virtue of the fact that we are going to make your use prohibited in the zone”? That is where the uncertainty lies.¹²⁶

Obviously 7-Eleven signed a 99-year lease in 2012 and their intention is to keep trading. They are not land developers; they are service station operators. That is their core business. Looking at what is proposed, if this does go through and government does want to move quickly, we are unsure how quickly that process will go in terms of: are there time frames set that will be dictating how quickly this goes to market for developers to submit their designs; or whether it is going to be another stage where more detailed planning controls are designed to guide future development? It is really just a question there as to what are the next steps and how much time does 7-Eleven have. Should they start looking at alternative locations, that type of thing that businesses need to know?¹²⁷

There is also a query as to what engagement will be happening or occurring or committed to with 7-Eleven amongst other people that may be affected. Will they be engaged with early in the process at all or is it really up to 7-Eleven to make their own inquiries with government as to what they should be doing in terms of looking elsewhere or commencing some negotiations of the lease in terms of that being terminated?¹²⁸

¹²⁴ Mr Lebon, *Transcript of Evidence*, 3 September 2018, p. 19.

¹²⁵ CZ2 - Business Zone – Territory Plan [file:///C:/Users/annemieke%20jongasma/Downloads/2008-27%20\(6\).PDF](file:///C:/Users/annemieke%20jongasma/Downloads/2008-27%20(6).PDF), Accessed 17 September 2018.

¹²⁶ Mr Lebon, *Transcript of Evidence*, 3 September 2018, p. 25.

¹²⁷ Mr Lebon, *Transcript of Evidence*, 3 September 2018, p. 20.

¹²⁸ Mr Lebon, *Transcript of Evidence*, 3 September 2018, p. 20.

5.76 In response the Directorate affirmed that:

In terms of land that is already leased, what the master plan does is provide opportunities for those lessees to take advantage of what the master plan is providing for. That has been given effect through the Territory Plan variation. Essentially, going from CZ3 to CZ2 provides for further opportunities for the lessee, but if they have a crown lease, for whatever period that is, it is their lease. They can choose to keep the site as it is or they can choose to redevelop the site. In terms of the government having plans for the site, no, this is a master planning exercise that caters for growth in a compact city. It has been subject to extensive community engagement. This is what we heard the community wanted in terms of development opportunities. But a master plan does not of itself result in redevelopment. What we are doing is providing the framework to allow lessees, should they choose, to take advantage of that.¹²⁹

5.77 Milestone Pty Ltd also expressed the concerns of 7-Eleven about the potential effect that their 24 hour operations, including noise from plant operation and fuel and general service deliveries, light spill etc. would have on the occupants of any residential blocks that may be built near their service station under the new zoning arrangements:

It is more just recognising that 7-Eleven is a 24-hour operation. That is their business model. They really need that open window for deliveries and the like to operate efficiently. That is what we would like to make sure is clear to government. As I say, there is no inherent objection to what is being proposed for the centre overall, but it is more just wanting to recognise that this is a business that needs that.¹³⁰

5.78 They also indicated to the Committee that:

In that first process we did raise concern about potential land use conflicts, interfaces, with future residential development. There was no recommendation to introduce controls that would require new residential development to consider, firstly, 7-Eleven's operations, which are 24 hours, and also then to require those developments to implement acoustic mitigation measures to make sure that people are not disturbed when trucks come and deliver and a mechanical plant is operating 24 hours a day.¹³¹

5.79 Milestone Pty Ltd stated that 7-Eleven acknowledged the efforts that they could make in relation to noise mitigation and visual appearance but indicated that it was not their responsibility to take steps in relation to acoustic mitigation:

Just looking purely at noise mitigation, they can upgrade their plant. They can get quieter equipment: air-conditioning equipment and chiller equipment; that type of thing. So there is that upgrading that they do regularly over a certain number of years.

¹²⁹ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 50.

¹³⁰ Mr Lebon, *Transcript of Evidence*, 3 September 2018, p. 25.

¹³¹ Mr Lebon, *Transcript of Evidence*, 3 September 2018, p. 20.

That is something that could be done. In terms of acoustic mitigation, in our experience it is not really 7-Eleven's responsibility to mitigate for an adjoining development. We see it as being really the other way around. It is a cost on a business that we feel is unreasonable when it can be appropriately mitigated by the new development...But things like landscaping and that type of thing, that certainly could be done to improve the visual appearance.¹³²

5.80 In response the Directorate indicated that:

These are issues that will be considered through the development assessment process. It is not unusual to have residential located near service stations. There is a service station I can think of on the corner at Braddon and there is residential all around that. But it is how you design the building.¹³³

I think when people move into an area that has been redeveloped, particularly into higher density, they would expect, in moving into that environment, that it is not living in the country, it is not living in the suburbs. I do not think, again, that Mawson is unique. If you think about Braddon, if you think about in fact many areas across Canberra, there are service stations and residential nearby.¹³⁴

Again, it depends on the particular site. But in terms of noise, you can deal with that through the glazing. In terms of other uses that you might see in a commercial centre, be it a bar or a club of some kind, you deal with that through the airlocks in terms of entry and access. In terms of light spill, you can also deal with that through shading of the windows, how you actually design the building and also the orientation of the building.¹³⁵

5.81 The Directorate in an answer to a Question Taken on Notice indicated that they had reviewed the 7-Eleven submission and would not be changing the proposed zoning to allow a service station to be a permitted use for the zone:

As a service station is an existing use on the site, it can remain on the site even though the new CZ2 -Business Zone zoning prohibits service station. Any proposal to amend the existing development can be considered through an impact track assessment process. If the service station no longer desires to operate on this site, the long term intention is that the site is used for other commercial uses. This change in no way requires 7-Eleven to vacate the site.¹³⁶

5.82 The Directorate in the same Question Taken on Notice stated that in reference to the concerns about potential land conflicts 'it is not considered necessary to add provisions to the Mawson

¹³² Mr Lebon, *Transcript of Evidence*, 3 September 2018, pp. 23-24.

¹³³ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 51.

¹³⁴ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 51.

¹³⁵ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 51.

¹³⁶ *Answer to Question Taken on Notice No. 4*, 13 September 2018.

Precinct Code regarding noise impact assessments and increased side setbacks.¹³⁷ The Directorate then went on to state that:

Service stations are regulated by the Environment Protection Authority (EPA) under the Environment Protection Act 1997 (the Act). These sites are required to be managed in accordance with their Environmental Authorisation to ensure impacts from the operation of the service station do not unreasonably impact on surrounding areas. It should be noted that noise from people or vehicles is not regulated by the Act.

The Environmental Guidelines for Service Station Sites and Hydrocarbon Storage Environment Protection Authority January 2014 are provided to assist service station sites to understand their general environmental duty. Noise from activities on service station sites are required to comply with the Act. The noise zone and limits for sites can be determined by referring to tables 2.1 and 2.2 of the Environment Protection Regulation 2005.

Acceptable noise levels are determined by the zone the use is located in, rather than the type of use proposed. For instance, particular noise levels are permitted in commercial areas (with CZ1 and CZ2 having the same requirements) and this applies irrespective of whether residential development is located adjacent to a particular use.

Design measures for adjoining residential development include orientation of openings such as windows and balconies at higher levels to accommodate and mitigate the impacts of existing adjoining development. In regards to the site adjacent to the 7-Eleven, there is a requirement for windows and balconies to face Mawson Place, away from the 7-Eleven, to provide passive surveillance of the public space.¹³⁸

Recommendation 10

5.83 The Committee recommends that the Government meet with the owner of the 7-Eleven to clarify the ACT Government's intentions in relation to the issues raised in the owner's submission.

ATHLON DRIVE

ZONING AND DENSITY

5.84 Concerns were also raised in relation to the increased in population that would be associated with the increase in the residential zoning (to RZ5) along Athlon Drive. It was felt that this

¹³⁷ Answer to Question Taken on Notice No. 4, 13 September 2018.

¹³⁸ Answer to Question Taken on Notice No. 4, 13 September 2018.

would exacerbate current congestion problems, overload the current bus stops and that access to the residential buildings would require 'difficult and expensive new roadworks.'¹³⁹

5.85 One submitter expressed concerns that:

I am particularly concerned by the proposal to rezone the current open space along the east side of the Athlon Drive canal from open space to high density (does this mean high rise?) residential. We have enough high density and high rise residences already, without creating more that will overshadow and overlook the open parkland, add more traffic to the streets, and in this case, will chip away at the existing open spaces. Any 'demand' for them is simply because they are cheaper than real houses: the underlying problem is housing affordability. Let's have a maximum of one residence allowed to be owned by a person/couple to prevent the creation of a tow-class system of landlords and tenants, and rent ceilings set at levels that are affordable by those on average incomes and below.¹⁴⁰

5.86 Other opinions, even within community groups, were mixed:

There are mixed views. The north-eastern corner of Athlon Drive and Mawson Drive opposite Melrose High School is zoned for RZ5, and we have some community members that are very unhappy about that.¹⁴¹

The level of density and also the vista. That view looks up to the Telstra Tower, up the centre and the Telstra Tower is at the end. They are very unhappy about closing it in and losing that little vista.¹⁴²

As anywhere, some people want densification. The Woden Valley Community Council takes a middle approach. It appears to me some people have the view that densification is good at all costs, it does not even matter what it is, just build. We have the middle view: we want densification but we want there to be development that positions the buildings in the appropriate places so that it retains our amenity and we get great outcomes.¹⁴³

5.87 The Directorate indicated that the thinking behind the zoning changes was around:

...transport-orientated design, particularly around those major corridors. You have seen it along Northbourne Avenue; that is a good example. You have also seen it locally on Anketell Street.¹⁴⁴

¹³⁹ Submission No. 12, Stewart.

¹⁴⁰ Submission No. 26, Brendan Whyte.

¹⁴¹ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 18.

¹⁴² Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 18.

¹⁴³ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 18.

¹⁴⁴ Minister Gentleman, *Transcript of Evidence*, 3 September 2018, p. 54.

Essentially, as the minister said, it is the inter-town public transport route on Athlon Drive, so keeping the high density located very close to that inter-town public transport route.¹⁴⁵

ZONING AND YARRALUMLA CREEK AND FLOODING

5.88 There were concerns about the potential for the Yarralumla Creek to flood and subsequently cause potential issues with building stability and insurance claims, as well as ingress and egress for residents. Particular reference was also made to the 1971 floods which had impacted that area.¹⁴⁶

5.89 In response the Directorate stated that:

As I recall, the reason we have identified that as green on the maps—so public open space—is because they are areas we had identified as having some flooding issues. We have made sure the RZ5, which ideally you would run all the way down there, being a public transport route, is only in those two locations because of the location of Yarralumla Creek.¹⁴⁷

In fact, as I pointed out, Ms Le Couteur, a large area of that is currently zoned as residential. That is now going to public open space. The work we have done in terms of the mapping has actually resulted in two small areas of RZ5 based on the extensive flood mapping work we have done.¹⁴⁸

5.90 In an answer to a Question Taken on Notice the Directorate informed the Committee that:

The potential one in 100 year flood levels along Yarralumla Creek were considered in the development of the Mawson Group Centre master plan. As noted in the master plan, further detailed design will identify potential impacts of flooding prior to the land being released for future development. As the land is already zoned for residential and commercial uses, amending the zoning is only a small part of the development process, and there was no impediment to including it as part of the variation. Further work will determine potential impacts, opportunities and constraints in the detailed design stage. If it is found that amelioration works are required, then the costs of these works will be considered as part of the wider decision as to whether to progress with development opportunities in the area.¹⁴⁹

¹⁴⁵ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 55.

¹⁴⁶ Submission No.23, Copat; Ms Le Couteur MLA, *Transcript of Evidence*, 3 September 2018, pp. 55-56.

¹⁴⁷ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 56.

¹⁴⁸ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 56.

¹⁴⁹ *Answer to Question Taken on Notice No. 2*, 13 September 2018.

ZONING AND LIGHT RAIL

- 5.91 A number of queries were raised by submitters and the Committee in relation to the capacity of Athlon Drive, with the new zoning, to facilitate light rail, particularly noting the limited capacity for stops and the narrowness of the Athlon Drive¹⁵⁰:

We do not know where the light rail will fit down that corridor. We do not know how it will impact on the stormwater. It is a massive, concrete drain that runs down there, so we need to understand that corridor better and what the requirements are for light rail before building buildings. It is like the cycleway; we need to ensure we have it covered so mistakes are not made.¹⁵¹

It is just that when a block is sold, from what I have noticed, the developers tend to build on the entire block; they will take the whole thing. So we just want to make sure that there is enough room in the corridor. Will some of the block be required for the corridor to put light rail in? Who knows?¹⁵²

It is a major road, the whole of Tuggeranong feeds through there. If they do not have the Xpresses anymore, they will all be feeding through there. It is a major connecting road. If light rail is going to run down there too we need to ensure that we have it all well planned and we know what land is required for the light rail and where the stations will be. Presumably that car park could be the station. Where will the station be? I do not know. I just think we need to have a look at it before we sell it and develop every square inch of it.¹⁵³

- 5.92 It was suggested that any rezoning along the transport corridor on Athlon Drive be 'deferred' until the light rail construction is completed or 'detailed alignment planning has been completed and the location of park and ride facilities has been determined.'¹⁵⁴

- 5.93 In response the Directorate indicated that the zoning:

...is planned around the inter-town public transport route but not planned in relation to light rail.¹⁵⁵

...we have referred it to Transport Canberra, who have carriage of light rail planning and transport planning, and they have not raised any concerns in relation to this variation.¹⁵⁶

¹⁵⁰ Submission No. 4, Hlubucek; Submission No. 6, Bignall; Submission No. 9, Griffiths; Submission No.29, Cullen; Submission No. 13, Bliss; Submission No. 14, Doyle; Submission No. 15, W Carrick; Submission No. 16, L Carrick; Submission No.17, Don Smith; Submission No. 18, Lawson; Submission No. 20, Peck; Submission No.22, McPherson; Submission No. 24, Lackenby; Submission No.26, Whyte; Submission No. 25, Dione Smith.

¹⁵¹ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 14.

¹⁵² Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 14.

¹⁵³ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 15.

¹⁵⁴ Submission No. 28, Erett.

¹⁵⁵ Minister Gentleman, *Transcript of Evidence*, 3 September 2018, p. 57.

¹⁵⁶ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 57.

If they were planning for light rail along the corridor and had concerns about the planning we are going through now, they would certainly let us know.¹⁵⁷

PUBLIC OPEN SPACE

5.94 Woden Valley Community Council informed the Committee that they wanted to ensure that 'we have public spaces and that we improve on them.'¹⁵⁸

If you just have the entire thing developed, where is the open public space for this centre? We have not looked at that. In this centre you have the little square. It is very small.¹⁵⁹

5.95 This was echoed by other submitters¹⁶⁰ who felt that it was:

...important [to] identify open spaces within the centre and maintain the open courtyard and alfresco eating.¹⁶¹

[and] ensure green spaces and landscaping within the precinct soften the hard lines of the built environment.¹⁶²

5.96 The Woden Valley Community Council suggested that a new open space could be provided at the southern end of Block 17, Section 46, where it could 'be converted to an open green area that could host a play area for children within the line of sight of adults socialising at cafes.'¹⁶³

5.97 The Directorate stated to the Committee that the Master Plan process had considered and canvassed community views in relation to creating new community open space:

It was not a theme that came through at all during the engagement activities and, as I said, we conducted extensive engagement on the master planning. In fact when I look at the map I can see extensive areas of green on this map in terms of public open space. In terms of the centre itself, as I said, I just do not believe that you need to have green on the map to achieve high quality public spaces. But in terms of the value that the community placed on public spaces, it was the town square. That is what we heard.¹⁶⁴

¹⁵⁷ Minister Gentleman, *Transcript of Evidence*, 3 September 2018, p. 57.

¹⁵⁸ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 5.

¹⁵⁹ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 3.

¹⁶⁰ Submission No. 4, Hlubucek; Submission No. 6, Bignall; Submission No. 9, Griffiths; Submission No.29, Cullen; Submission No. 13, Bliss; Submission No. 14, Doyle; Submission No. 15, W Carrick; Submission No. 16, L Carrick; Submission No. 18, Lawson; Submission No. 20, Peck; Submission No.22, McPherson; Submission No. 24, Lackenby; Submission No.26, Whyte; Submission No. 25, Dione Smith.

¹⁶¹ Submission No. 5, McDonald.

¹⁶² Submission No. 18, Lawson.

¹⁶³ Submission No. 27, Woden Valley Community Council.

¹⁶⁴ Mr Ponton, *Transcript of Evidence*, 3 September 2018, pp. 59-60.

In regard to the level of the, if you like, building and the level of urban open space, if you have a look at page 66 of the Mawson group centre master plan—it is a larger section of course but it includes the Mawson group centre and all the area around it—you will find that the Mawson group centre, in my perception, takes up about 30 per cent of the total area. The rest is quite a lot of green space, with Mawson playing fields, the tennis courts...¹⁶⁵

And the other observation I would make is that you do not need large expanses of park to create a quality space. That town square could be a very high quality space that is well used.¹⁶⁶

When we undertook our extensive community engagement, what we heard was that the town square was the primary space that was important to the local community. We are not hearing and have not heard extensively, other than from Ms Carrick, that there is this strong desire for green space. But it has not been articulated as to what is meant by that.¹⁶⁷

5.98 In reference to the courtyard square the Directorate indicated that in addition to ensuring solar access:

it is about ensuring that you have activity, opportunities for activity, around the town square. In the redevelopment we will be wanting to ensure that there are opportunities for active uses so that it is not residential at ground floor, that you could actually have more commercial retail activities to encourage people to walk through the space, linger in the space. With those development opportunities then, hopefully you will start to see private sector investment in the space as well in terms of providing improved furniture and landscaping and the like.¹⁶⁸

Only that the master plan in figure 1 sort of specifies, nominates, those as being primary active frontages. It does require that they have predominantly clear glass to the shopfronts and things like that. It just has that active frontage. We have got those provisions in place but it really comes down to the nature of the businesses that go in there but we have written the provisions so that we can to try to enliven it.¹⁶⁹

The first comment that I would make is that the community that we spoke to value the town square highly. I think that that is an important point to make. It is a valued space. Even though it is small, it is still quite a valued space. When I have been to Mawson I see people sitting out there having their takeaway coffee and the like. In terms of other

¹⁶⁵ Minister Gentleman, *Transcript of Evidence*, 3 September 2018, p. 60.

¹⁶⁶ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 60.

¹⁶⁷ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 62.

¹⁶⁸ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 46.

¹⁶⁹ Ms Kaucz, *Transcript of Evidence*, 3 September 2018, p. 46.

spaces, when you start to see areas redevelop, just because it is zoned and you see it blue on the map, it does not need to be green on the map to be a public space.¹⁷⁰

- 5.99 Referencing private developments in Braddon, New Acton and Kingston the Directorate indicated that the private sector were providing for improved public spaces and that the assessment processes and current provisions in the Territory Plan would enable this to occur in the Mawson Group Centre:

You will see that the town square, in fact, is zoned to commercial core. What we would expect to see through the design and assessment process—we have got the capital city design review panel—is that the buildings that are designed would actually provide for those improved public spaces. We can actually start to see the private sector—and I mentioned this earlier—investing in those spaces.¹⁷¹

COMMITTEE COMMENT

- 5.100 The Committee notes that there was a clear demand by submitters for additional open space in the Mawson Group Centre. Given the expected substantial increase in population living in the Centre and business activity, it is appropriate to provide additional urban open spaces.

- 5.101 The Committee notes the Directorate's position that open space does not have to be 'zoned green', and could be provided within the CZ1 Zone that applies to Block 17, Section 46. However, the Committee is concerned that private interests and developers cannot be expected to deliver green spaces that are not specified in the planning rules.

- 5.102 The Committee notes that there have been recent draft variations that have incorporated the requirement for green spaces to be provided in a commercial zone, with Woden Draft Variation: No. 344 including Rules and Criterion that require 'landscaped areas.'¹⁷²

Recommendation 11

- 5.103 The Committee recommends that the Mawson Draft Variation is modified to include a requirement for the creation of a new courtyard at the southern end of Block 17, Section 46, along with appropriate provisions for solar access for this future open space.**

¹⁷⁰ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 58.

¹⁷¹ Mr Ponton, *Transcript of Evidence*, 3 September 2018, pp. 58-59.

¹⁷² Planning and Development (Plan Variation No 244) Approval 2018, NI2018-43 <https://www.legislation.act.gov.au/View/ni/2018-430/current/PDF/2018-430.PDF>.

ROAD AND PEDESTRIAN ACCESS

ALTERNATIVE ROAD AND PEDESTRIAN ACCESS OPTIONS

5.104 It was noted by submitters that the current traffic arrangements at the intersection of Athlon Drive and Mawson Drive and Athlon Drive and Beasley Street needed improvements so as to better cope with what was expected to be increasing traffic flow in the area.¹⁷³

5.105 In what appears to be a possible means of addressing the increased traffic flow and improving access to the Mawson Group Centre, Argos Property proposed that:

...a southern signalised entry to the Mawson Group Centre via Athlon Drive would improve connectivity for vehicles and pedestrian movement, alleviate traffic and safety issues experience to/from Mawson Drive, and generally improve commercial viability and customer convenience over the longer term. A new intersection could also support the park and ride facility.¹⁷⁴

We see—and I think to some extent the master plan also highlighted this—the potential for a future connection that activates the southern side that connects to Athlon Drive.¹⁷⁵

5.106 When the Committee queried whether this southern access road would be utilised, Argos Property indicated that:

I guess what we are sort of expressing is an opportunity over time, noting that we are talking about the longer term, for an alternative entry point which also potentially activates this site and also potentially looks at the activation of these sites.¹⁷⁶

Again, I guess our commentary reflects the fact that we also see this potentially being activated, and then there is the opportunity to activate, to bring people in through here when this is activated. We just see the two go hand in hand, in effect, on a potential mixed use site here with an entry point through here. I think someone pointed out earlier the concern about north versus south and so forth. Again, my comments are: if there is a framework that provides me with an incentive to invest, I will invest and, therefore, we should be encouraging activation and investment on the northern side of the centre and then you do not have this disparity between north and south.¹⁷⁷

¹⁷³ Submission No. 7, Chater.

¹⁷⁴ Submission No. 19, Argos Property.

¹⁷⁵ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 29.

¹⁷⁶ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 35.

¹⁷⁷ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 35.

5.107 Whilst not making a commitment to establishing a new access road in the future the Directorate indicated that the Mawson Master Plan would allow for the incorporation of such a road:

Page 73 of the master plan shows, I suppose, the proposed connections. They are not specifically included in the variation, but the variation with the rezoning to the southern part where we are rezoning it to the CZ3 from the open space includes that area that could be a road in the future.¹⁷⁸

I think the important thing to note here is that the Territory Plan variation does not then mean that the master plan falls away. There are things in the master plan that will continue on, and that is one of them.¹⁷⁹

5.108 A number of submitters and witnesses also suggested significant improvements were needed to the pedestrian access to the Mawson Group Centre. Amongst the suggestions was the construction of an underpass at the Mawson Drive/Athlon Drive intersection.¹⁸⁰

5.109 It was also proposed that a pedestrian underpass may also be a viable option at the southern end of the Mawson Group Centre:

There should also be some reinforcing of the pedestrian connections. I think someone pointed out earlier that there is no strong or clear eligible connection path. If you know the Mawson area fairly well, you will see a dog track that has been created across there that people navigate.¹⁸¹

5.110 In response to these proposals the Directorate stated that:

In terms of the planning work, what we have done is provide for that in the master plan so that it is clear for others. In this case it would be our colleagues in Transport Canberra who also are responsible for the active travel office and I am sure that in the detailed design, should that road be constructed at some future point, they would be looking at all of those issues.¹⁸²

COMMITTEE COMMENT

5.111 The Committee accepts the views of submitters that a southern access road is likely to be required as a result of the redevelopment envisaged by the Mawson Master Plan. The Committee also accepts the ACT Government's reassurances that the proposed planning changes allow for the incorporation of such a road.

¹⁷⁸ Ms Kaucz, *Transcript of Evidence*, 3 September 2018, p. 58.

¹⁷⁹ Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 58.

¹⁸⁰ Submission No. 7, Chater.

¹⁸¹ Mr Petsas, *Transcript of Evidence*, 3 September 2018, p. 29.

¹⁸² Mr Ponton, *Transcript of Evidence*, 3 September 2018, p. 58.

ACTIVE TRAVEL

5.112 Concerns were expressed in relation to what is perceived to be poor and inadequate pedestrian and cycling connections to and from the Mawson Group Centre¹⁸³ and the risk that any walking and cycling alignments would be ‘built out’ by developers if there were no added protections in the Mawson Draft Variation.¹⁸⁴

5.113 The Woden Valley Community Council particularly noted that:

We would like to see the bike network clearly showing where the alignments are to get people into the centre from the suburbs where the trunk line is to get people north-south. It is a concern. If we are not clear to the degree of where they are, what side of the road they are on even, and how wide they are, they do get built out. We have had some recent experience with development applications. Pedal Power— they are very good—has had a look at all the development applications. They pipe up and say early in the piece, “Hang on a second; you have not left enough room for the path.” There is a cycleway through there, as far as their understanding goes. We had an example where I understand that some of our trunk path through Woden, the cycleway, was sold to a developer who now wants to realign our trunk alignment. I think it is very important that they are identified so that accidents do not happen in selling or building on your proposed cycle network.¹⁸⁵

5.114 In their submission Pedal Power ACT highlighted the Mawson Master Plan recommendations and the Master Plan map that identified the needed connections to the Mawson Group Centre. They acknowledged that some paths do appear in the Mawson Draft Variation, however also noted that they were largely those paths that already exist in the centre, and which are described as ‘pedestrian routes’, not ‘shared paths’.¹⁸⁶

5.115 Whilst Pedal Power acknowledged, in its submission, that some believe that a draft variation is not the place to show a cycling and walking network map, they stated that:

Pedal Power ACT believes identifying the network in the Territory Plan is critical to ensuring it is protected against the vagaries of development both by government agencies and private developers.¹⁸⁷

¹⁸³ Submission No. 11, Pedal Power ACT; Submission No. 4, Hlubucek; Submission No. 6, Bignall; Submission No. 9, Griffiths; Submission No.29, Cullen; Submission No. 13, Bliss; Submission No. 14, Doyle; Submission No. 15, W Carrick; Submission No. 16, L Carrick; Submission No. 18, Lawson; Submission No. 20, Peck; Submission No.22, McPherson; Submission No. 24, Lackenby.

¹⁸⁴ Submission No. 27, Woden Valley Community Council.

¹⁸⁵ Ms Carrick, *Transcript of Evidence*, 3 September 2018, p. 14.

¹⁸⁶ Submission No. 11, Pedal Power ACT.

¹⁸⁷ Submission No. 11, Pedal Power ACT.

5.116 In response the Directorate indicated that:

It is similar to the conversation we had for Woden. We do not put the active travel paths into the Territory Plan because that locks it in, because they are paths that can be developed without development approval because it is public works. The master plan did nominate and we have carried into the Territory Plan the key pedestrian routes, which picks up those key access ways through the centre. They then correspond. They are nominated in figure 1 in the variation or in the proposed precinct code and they then relate to the active frontages that will face onto those main pedestrian routes. We have taken into consideration those but we have not specified that this will be an active travel route.¹⁸⁸

COMMITTEE COMMENT

5.117 The Committee notes the issues raised in relation to active travel in this inquiry are of a similar nature to those raised during the Committee's Inquiry for Woden Draft Variation: No. 344 and maintains the view that including the shared path network in draft variations, including the Mawson Draft Variation, is required to ensure that the alignment is protected as the centre is redeveloped.

Recommendation 12

5.118 The Committee recommends the ACT Government include the proposed trunk walking and cycling network in the proposed Mawson Draft variation.

¹⁸⁸ Ms Kaucz, *Transcript of Evidence*, 3 September 2018, p. 61.

6 CONCLUSION

- 6.1 The Committee has made 12 recommendations
- 6.2 The Committee would like to reiterate its thanks to the Minister, officials, witnesses and submitters who contributed their time and effort to this inquiry.

Caroline Le Couteur MLA

Chair

17 October 2018

APPENDIX A - WITNESSES

HEARING – 3 SEPTEMBER 2018

- Ms Fiona Carrick – Woden Valley Community Council
- Mr Patrick Lebon – Milestone Pty Ltd, On Behalf of 7-Eleven
- Mr Arthur Petsas – Argos Property
- Mr Mick Gentleman MLA, Minister for Planning and Land Management
- Mr Ben Ponton, Director-General, EPSDD
- Ms Kathy Cusack, Executive Director, Planning Policy, EPSDD
- Ms Alix Kaucz, Senior Manager, Territory Plan Unit, EPSDD

APPENDIX B – SUBMISSIONS

Submission Number	Submitter	Received
001	Dr Al Klovdahl	14/06/2018
002	Milestone (AUST) Pty Ltd	29/06/2018
003	Canberra District Rugby Club League Football Club	10/07/2018
004	Joe Hlubucek	20/07/2018
005	Cate McDonald	20/07/2018
006	Ian Bignall	20/07/2018
007	Julie Chater	20/07/2018
008	Bernard Borg Caruana	20/07/2018
009	Briony Griffiths	23/07/2018
010	John Paul De Sousa	23/07/2018
011	Pedal Power	20/07/2018
012	Dr Jenny Stewart	23/07/2018
013	Lynne Bliss	23/07/2018
014	Pat Doyle	25/07/2018
015	William Carrick	25/07/2018
016	Lisa Carrick	25/07/2018
017	Don Smith	25/07/2018

Submission Number	Submitter	Received
018	Cliff Lawson	25/07/2018
019	Argos Property	25/07/2018
020	Helen Peck	25/07/2018
021	Aldi	30/07/2018
022	Judith McPherson	30/07/2018
023	Steve Copat	30/07/2018
024	Kim Lackenby	30/07/2018
025	Dione Smith	30/07/2018
026	Brendan Whyte	30/07/2018
027	Woden Valley Community Council Inc.	30/07/2018
028	Chris Erett	30/07/2018
029	Gerry Cullen	31/07/2018

APPENDIX C – QUESTIONS TAKEN ON NOTICE

Questions taken on Notice - 3 September 2018

No.	Hearing date	Asked by	Directorate/ Portfolio	Subject	Answer date
01	3/09/2018	Le Couteur	EPSDD	Views from units on Wilkins Street.	13/09/2018
02	3/09/2018	Le Couteur	EPSDD	Yarralumla Creek Flooding Considerations	13/09/2018
03	3/09/2018	Le Couteur	EPSDD	Additional Supermarket proposal by ALDI	13/09/2018
04	3/09/2018	Le Couteur	EPSDD	Consideration of 7-Eleven Proposals	13/09/2018