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**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY
ELEVENTH ASSEMBLY**

Standing Committee on Environment and Planning - Report No. 4 -

Inquiry into Petition 002-25: Hawker Village Shops

Redevelopment

Government Response

**Presented by
Chris Steel MLA
Minister for Planning and Sustainable Development**

Introduction

The Government thanks Standing Committee on Environment and Planning *Report 4: Inquiry into Petition 002-25: Hawker Village Shops Redevelopment* (the Inquiry).

The inquiry has provided a further opportunity for community to express their views and interest in a proposal for change at the Hawker group centre which the Government acknowledges.

The Government understands that it is important for group and local centres to grow and change to provide opportunities for employment, housing, and recreational facilities for the local community.

The ACT Government believes that the outcomes in the Territory Plan already provides a strong basis to assess the issues raised by the community in the Inquiry around parking, amenity, lighting, high quality public spaces etc, and is not proposing changes to planning controls at this time. Therefore, the Government is not proposing to changes to the Territory Plan which would have effect on the Hawker Group Centre, such as to the Commercial Zones Policy or Belconnen District Strategy, at this time.

No decision has been made to grant a direct sale of land at the Hawker Group Centre. Decisions on direct sale applications must be made in accordance with relevant provisions in in the *Planning Act 2023* and the *Planning (General) Regulation 2023*. However, should there be any direct sale of Government land at the Hawker Group Centre in the future, it would be conditional to the proponent obtaining DA approval for the proposal prior to the direct sale being finalised.

This existing, statutory process is considered the most transparent and appropriate process for the notification of a detailed planning proposal, consultation with the community and independent assessment by the Territory Planning Authority against the Territory Plan. This assessment will be against applicable outcomes and requirements defined in the Territory Plan, which again go to many of the raised by the community in the Inquiry around parking, amenity, lighting, high quality public spaces and other areas.

Background

Planning policy

The ACT Government's planning policies set ambitions for group centres, including Hawker Group Centre. The policy objectives are set out under the Territory Plan, the Commercial Zones Policy, the ACT Planning Strategy (2018), District Strategies (2023) and the Statement of Planning Priorities 2025-2028.

The Territory Plan 2023

The Territory Plan is the law of the Territory which is used by the independent Territory Planning Authority assessing planning outcomes for an individual development.

Contained within the Territory Plan are the District and Zone policies, which specify assessment outcomes and requirements relevant to each zone and district, development must be consistent with.

The Territory land subject to the Direct Sale application of 28 March 2024 from Woolworths Group Limited (Woolworths), as identified in the [ACT Government's submission to the Inquiry](#), is CZ1 Core zone. The Government believes the Territory plan, namely the [Commercial Zones Policy](#) and [Belconnen District Policy](#) applicable to the sites, already provides a strong basis for the Territory Planning Authority (the Authority) to independently consider any future proposals. Furthermore, many of the areas raised by the community in the Inquiry around parking, amenity, lighting, high quality public spaces and a range of other areas are already addressed through the assessment outcomes and requirements contained in these policies.

Commercial Zones Policy

Under the Commercial Zones Policy, the policy outcomes, which inform the underlying assessment outcomes and requirements which are all are regarded by the independent Authority in assessing development proposals, for all commercial zones are:

1. Commercial zones are primarily for commercial developments providing a strong economic focus for the zone and land for the supply of commercial services. In areas not zoned mixed use, other complementary uses are permitted however these should not detract from the primary commercial nature of the zone.
2. Development should be of a scale and nature that recognises and responds to the zone hierarchy.

Policy outcomes specific to the CZ1 Core Zone, which applies to the Hawker Group Centre are:

1. Achieve and/or maintain a mix of predominantly commercial land uses that contribute to a diverse and active character.
2. Provide for a range of conveniently located retail and service outlets.
3. Promote vibrant, interesting and lively street frontages, including during evenings and weekends.
4. Encourage an attractive, safe, and well-lit pedestrian environment with convenient access to public transport.
5. Maintain and enhance a high standard of urban design through use of sustainable design and materials and ensure that buildings retain a high level of design consistency and compatibility.
6. Provide opportunities for business investment and employment.

7. Promote the establishment of cultural and community identity that is representative of, and appropriate to, the place.
8. Provide a high-quality public space by facilitating active uses on ground floor level that connect with the wider open space, pedestrian and cycle networks to promote active travel and active living.

Belconnen District Policy

In addition to the requirements of the Commercial Zones Policy, the following assessment requirement in the Belconnen District Policy is also applicable to the Hawker Group Centre:

32. Development in CZ1 and CZ2 zones fronting main pedestrian areas and routes incorporate uses on the ground floor that generate activity in the public space.

Belconnen District Strategy

District Strategies set out how to achieve the vision of the *ACT Planning Strategy 2018* for a sustainable, competitive and equitable city by linking city-wide planning, policies and legislation to the local outcomes in the Territory Plan.

In 2023, the new ACT planning system was introduced following engagement with the community through the Planning System Review and Reform Project. The new planning system included the Territory's largest ever engagement on the District Strategies, which provide a plan towards 2038 and beyond to 2050 to manage growth and change at the district level. This consultation established the overarching strategic direction for change across the city.

The Belconnen District Strategy identifies Hawker Group Centre as one of several centres identified for 'possible centre initiatives' (including planning and non-planning initiatives), to strengthen its viability and role as a community meeting place. The Strategy also identifies the centre as having the potential to support up to 500 jobs by 2050.

Statement of Planning Priorities

The ACT Government is working to deliver commitments under the District Strategies and the Minister for Planning and Sustainable Development's *Statement of Planning Priorities 2025-2028* (the Statement of Planning Priorities).

The Statement of Planning Priorities reaffirms the Government's commitment (Priority 2) to supporting more housing near commercial centres and reinvigorating local shops to enhance employment, services, and recreation for communities.

However, the revitalisation of local and group centres across the ACT does not rest solely with the Government to undertake Territory-funded upgrades on public land and streets in these centres. Private lessees who own land and buildings in our city's commercial centres also play a significant role in leading revitalisation of shopping centres where they have significant land holdings and an opportunity to increase shops, employment and services for community.

The Government recognises that direct engagement with shopping centre owners or direct sales of land can, in some cases, deliver better, integrated outcomes. This is echoed in the Statement of Planning Priorities which also makes clear that the ACT Government will continue to work with the private sector to explore options that deliver benefits for the Canberra community. This may involve the government considering proponent led proposals for private leasehold land and the direct sale of unleased territory land.

Statutory processes

The *Planning Act 2023* sets out the certain circumstances in which the Government may consider and approve a direct sale of land. This includes where the proposed use of land meets one or more of the grant objectives as set out in the *Planning Act 2023* or eligibility criteria in the *Planning (General) Regulation 2023*.

The grant objectives and eligibility criteria includes consideration of, among other things, proposals that benefit the economy of the ACT and surrounding region and to facilitate the achievement of a major policy objective. While negotiations between parties remain confidential, the intended public outcomes of such discussions are robust and transparent. The Government also encourages proponents to engage directly and genuinely with the local community on their proposals where they involve a proposed direct sale.

Where a direct sale is agreed, it is generally subject to a proponent achieving development approval for their development proposal.

These established, statutory processes provide clear and structured opportunities for the community to inform and shape specific proposals through consultation undertaken by both proponents and as required by legislated notification processes. This includes multiple 'touch points' for community to review and contribute towards planning proposals, including but not limited to Territory Plan amendment notification, pre-development application consultation, Development Application (DA) notification and any subsequent amendments to a DA that warrant further community notification stages.

Response to Recommendations

Recommendation 1

The Committee recommends that the ACT Government conduct a wide-ranging community consultation process across the suburbs served by the Hawker Group Centre. The findings should be integrated with the Government's assessment of the Centre's future potential to develop controls and outcomes in the necessary planning documents that reflect the views of all demographic groups and provide clear guidance for potential developers and existing leaseholders.

Government response

Noted.

The ACT Government believes that the outcomes and requirements in the Territory Plan applicable to the Hawker Group Centre already provide a strong basis to assess the issues raised by the community in the Inquiry, including around parking, amenity, lighting and high-quality public spaces. The Government is not proposing to change or introduce additional planning controls specific to Hawker Group Centre at this time.

The ACT Government has prioritised planning for more housing near commercial centres and reinvigorating shops and, in delivering on this priority, has committed to amongst other actions, reviewing commercial zone and district policies under the Territory Plan.

Should changes to the Territory Plan be proposed consequential to this work, this would be in the form of Major Plan Amendments which includes statutory consultation requirements. However, the Government is not proposing changes to the Territory Plan at Hawker Group Centre at this time.

Recommendation 2

The Committee recommends that the ACT Government not approve any direct sale application at Hawker Group Centre until the consultation outlined in Recommendation 1 is completed and the government response has been published.

Government response

Noted.

No decision has been made to grant a direct sale of land to Woolworths for their expansion project at this time. The current proposal has now been withdrawn by Woolworths, though this does not preclude a new proposal made to Government again in the future.

A decision on a direct sale must be made based on the provisions in the *Planning Act 2023* and the *Planning (General) Regulation 2023*. However, should there be any future direct sale at Hawker Group Centre, it would be conditional to the proponent obtaining DA approval for the proposal prior to the direct sale being finalised.

This is considered the most transparent process for notification of the detailed planning proposal, consultation with the community and independent assessment by the Territory Planning Authority against the Territory Plan, namely the Belconnen District Policy and Commercial Zones Policy in the case of Hawker Group Centre. This assessment will be against applicable outcomes and requirements defined in the Territory Plan, many of which go to many of the issues raised by the community in the Inquiry around parking, amenity, lighting, high quality public spaces and other areas.

The ACT Government recognises that the community has raised a range of issues with the development at Hawker including ensuring:

- Proportionate scale
- Provides a demonstrated community benefit
- Clear justification of why the expansion is necessary
- Independent businesses and small traders protected and visible
- Staging of construction plans which do not adversely affect existing retailers
- Parking and access solutions which demonstrate ease of use
- High quality design and amenity, including:
 - Trip hazards addressed
 - Improved lighting
 - Passive surveillance
 - Playground safety

The Territory Planning Authority has advised these issues raised through the inquiry are within the scope of considerations when deciding development applications, per section 186 of the *Planning Act 2023*, and may be considered, alongside representations about the DA received during public notification, should a DA be notified in the future.