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Molonglo Strategic Planning Advice

report prepared for:

Suburban Land Agency

15 July 2021

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1. Executive Summary

- Commitments for the release of land for the Molonglo commercial centre have been made by the ACT Government in response to public concerns associated with the slow pace of development of the Coombs centre and increasing pressure on the Coleman Court centre. Public expectations for a speedy process that will deliver a quality centre are high.
- With the Molonglo and North Weston Structure Plan in place there is no impediment to proceeding to finalise detailed planning and design for the commercial centre and adjacent residential and community land which will allow the release of sites for development. This should be done by way of the estate development plan (EDP) process
- Whilst the preparation of a Concept Plan is an option it is not recommended because it would not add quality to the planning outcome, over and above what can be achieved through the EDP process; also, it would add at least 18 months to the timeframe with the result that the Government commitment for the delivery of the commercial centre would be unable to be met.

2. The Site

The subject of this report is the “Molonglo Group Centre and Denman Prospect 3” land as shown on Figure 1. The land includes a substantial commercial centre planned for the intersection of John Gorton Drive and Holborow Avenue, and areas of varying density of residential development. The Suburban Land Agency, in accord with the ACT Government land release program, wishes to initiate the processes leading to the release and development of this land.

3. Land Release Commitments

Commitments for the release of land for the Molonglo commercial centre have been made by the ACT Government in response to public concerns associated with the slow pace of development of the Coombs centre and increasing pressure on the Coleman Court centre. Planning for the centre has been under way for some considerable time. A draft

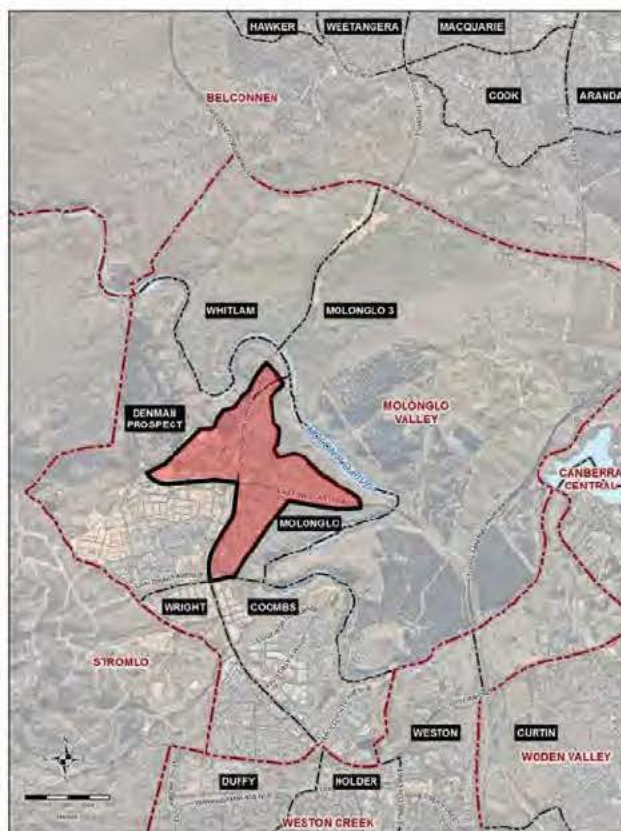


Figure 1: Molonglo Group Centre and

concept plan was prepared in 2014 and has been made publicly available. Seven years have elapsed since that plan was prepared and public expectations for a speedy process that will deliver a quality centre are now high.

4. Structure Plan Molonglo and North Weston

The land is within the area covered by the Molonglo and North Weston Structure Plan, which is a component of the Territory Plan. The Structure Plan sets out principles and policies for development of the future urban area. Principles are prescribed under subject headings including Social principles, Economic, Landscape and open space principles, Environmental, Urban design and Transport. More specific policies, totaling 57 individual policies which will control the development of the land, are also prescribed under various headings.

These align with the Zoning map in the Territory Plan which includes a central commercial area, residential zones of varying density and community and open space areas. The zoning map is at Figure 2.

All the subject land is also shown within a “Future Urban Area” (FUA) on the Territory Plan map.

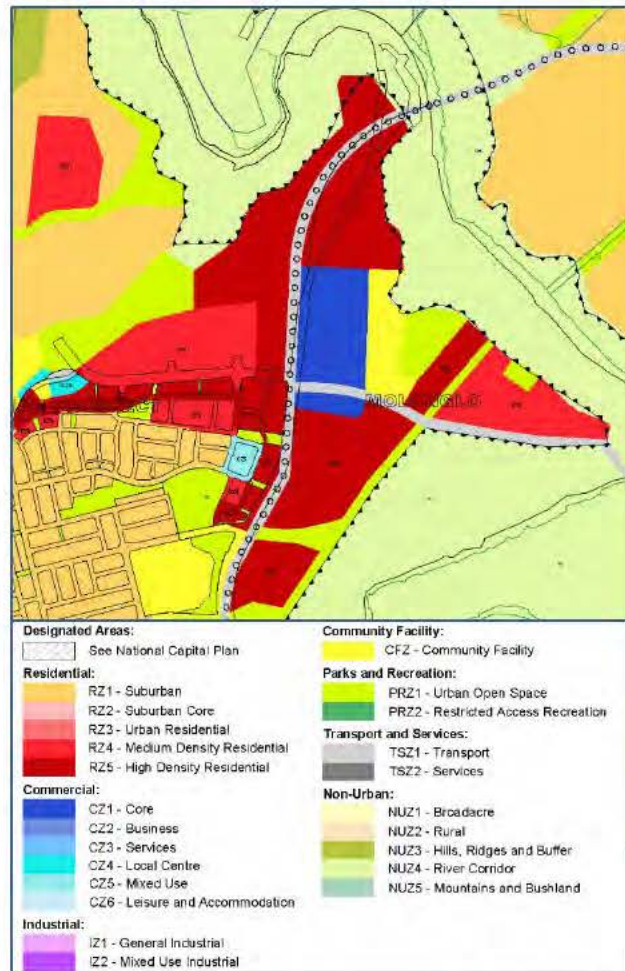


Figure 2: Molonglo Commercial Centre Territory Plan Zoning

5. Concept Plan

Need for a Concept Plan

The preparation of a Concept Plan is not a mandatory requirement of the Planning and Development Act. Several examples exist where planning and development has proceeded without a Concept Plan; these include Whitlam and Taylor, and the proposed high school at Kenny.

The Molonglo and North Weston Structure Plan, at Section 5.2 “Concept Plans” says as follows:

“Concept plans may be prepared where alternative provisions to the relevant development codes are proposed.....”

The preparation of a concept plan is optional, and only suggested if the intent is to apply provisions that are “alternative” to those prescribed in the existing codes. There is no reason to suppose any inadequacy with the existing codes that would

need to be rectified in this way at Molonglo; therefore there is no need for a Concept Plan.

It is also relevant that the opportunity to incorporate “ongoing provisions” in the Molonglo Precinct Code is also available. Planning controls over and above those included in the existing codes can be incorporated in an EDP and “uplifted” as part of the usual EDP process and subsequent technical variation to the Territory Plan as ongoing controls in the Plan.

Draft Concept Plans

Draft concept plans have been prepared in the past, firstly in June 2014: “Molonglo commercial centre and environs Draft concept plan”, and more recently in August 2020: “Molonglo Group Centre and Surrounds Concept Plan”. It is assumed that the 2020 document supersedes the earlier edition and sets out the current Planning Authority view on the preferred planning outcomes for the land. It therefore provides a good basis for use by the Planning Authority in its assessment of EDP proposals for the development of the land. It is not necessary to take the additional step of incorporating this draft concept plan formally into the Territory Plan for the following reasons:

- As outlined above a concept plan is not necessary to allow the development of the land.
- The planning intentions set out in the draft concept plan have been made available to the SLA and will be used as input information to the preparation of an EDP.
- Incorporation of the Concept Plan in the Territory Plan would require a formal variation to the Territory Plan. The territory plan variation process takes at least 18 months and commonly up to two years. A delay of this length, which would not result in any appreciable change in planning outcomes, is not warranted.
- The EDP process provides a robust and comprehensive planning design and assessment process, under the overall direction of, and subject to final approval by the Planning Authority. This is discussed in more detail in section 4 below.

6. The Estate Development Plan Process

With the Molonglo structure plan in place, there is no impediment to proceeding to finalise detailed planning and design which will allow the release of the land for development.

This should be done by way of the EDP process. An EDP is required to be compliant with all relevant codes, with the Estate Development Code being particularly relevant. The Estate Development Code says (on page 2 of the code):

The EDP is assessed against the relevant parts of this code and any applicable structure plan or precinct code.

This provides the link to ensure that the EDP is designed to be consistent with the principles and policies set out in the Structure Plan, as well as other relevant codes.

An EDP is similar to a Concept Plan as it has the following characteristics:

- It is required to be compliant with the Structure plan.
- It is subjected to multi-agency review and endorsement.
- The process includes public notification.

An EDP submission includes detailed subdivision and engineering plans with comprehensive supporting documentation. The documentation typically includes a design Response report with supporting appendices and a plan set including detail engineering and landscape design plans, development intentions, block layout, environmental controls and the like. An EDP plan set will typically include 25 or more plans, some at larger scales over multiple sheets.

The EDP Design Response Report is a substantial document in its own right. It will typically include a comprehensive explanation of the approach taken to site planning, addressing in detail all the requirements in the Territory Plan including the Structure Plan and relevant codes.

An example of a design response report is the Ginninderry Neighbourhood 1 EDP 2 Design Response Report completed in November 2018. The table of contents of that report are included as Appendix A; these illustrate the comprehensive nature and scope of the material typically included in a design response report. The report itself is 82 pages long and is accompanied by 31 Appendices. Of particular relevance to the design process is Appendix E, the Urban Design Report. This is a 62 page explanation of the urban and natural systems that underpin the design of the estate. Whilst the Ginninderry report is tailored to that proposal and would not be exactly replicated for another site such as Molonglo, it provides a good illustration of the comprehensive nature of the planning and design aspects of an EDP.

The EDP process is administered by the Environment, Planning and Sustainable Development Directorate. It includes consultation with all relevant agencies, including Government agencies and service providers. Usually this involves at least two rounds of agency circulation, involving approximately 30 agencies and may take between six and twelve months.

Circulation of the draft proposals to agencies provides the opportunity for all agencies, including the Planning Authority, to have input to the design and to ensure that the Government policy and management areas for which they have responsibility are properly addressed.

The planning process between all agencies is a collaborative one, and particularly so between the SLA and the Planning Authority. Under the heading “Authority’s role in cohesive urban renewal and suburban land development”, the Planning and Development Act, at S19 says as follows:

“The planning and land authority must work with the city renewal authority and the suburban land agency to encourage cohesive planning and development of land.”

Following circulation and the endorsement of all agencies, the EDP is formally lodged as a development application; this then triggers a period of public notification. Third party appeals against a final decision are also allowed. A final assessment and determination is then made by the Planning Authority.

When the EDP development application is approved by the Planning Authority the proponent can commence with construction and sales.

7. Zoning Amendments

The Current Territory Plan zoning (Figure 2) shows the Molonglo land as being subject to an FUA overlay. Where land is shown in the Territory Plan as subject to an FUA overlay then a degree of flexibility in the zoning exists. The zoning may be varied by way of a technical amendment in accord with S90C(1) of the Planning and Development Act, which says as follows:

“The planning and land authority may vary the territory plan under section 89 (Making technical amendments) to rezone land in a future urban area, and establish or vary a precinct code in relation to the land, unless the variation is inconsistent with the principles and policies in the structure plan for the area.”

The procedure to achieve such a variation is incorporated in the EDP process. The EDP documentation includes a “land use plan” which sets out the final zoning; the technical variation to incorporate this final zoning into the Territory Plan comes at the end of the EDP process, following the construction of public works and prior to the issue of crown leases. At this point the FUA is “uplifted” and the zoning is confirmed. (Any further change would require a full Territory Plan variation process). The final zoning must be consistent with the principles and policies of the Structure Plan. In the case of Molonglo the Structure Plan principles and policies provide a sound framework within which some flexibility can be exercised. For example, the Territory Plan map shows two residential zones (R4 & R5). The introduction of additional zones, e.g., R2 & R3 would be consistent with the Structure Plan policy paragraph 52(c) which says:

“Medium density housing, which may include a higher built form is to be located on land near major transport routes, commercial centres, at activity nodes, and in locations with higher amenity such as near the proposed pond on Weston Creek, adjacent to the Molonglo River Corridor, and other substantial public open spaces.”

Other changes, for example to implement other elements of the planning proposed in the 2020 draft Concept Plan, could be similarly incorporated.

8. Timing

The diagram below shows simplified timing estimates for the planning and design process. It assumes firstly, an EDP process, as is recommended, and secondly, an EDP process following a Territory Plan Variation (TPV) to introduce a Concept Plan. The former achieves land sales in the third quarter of 2022, the latter not until early in 2024. The difference is caused by the need to allocate approximately eighteen months to the TPV as an up-front time constraint. Detailed work on the EDP could not realistically commence (especially if it includes a private sector developer component) until the TPV, and therefore the development parameters for the site, is finalised.

EDP Process Timing	2021						2022									
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	
Due diligence review, gap analysis	█															
Conduct additional research studies		█	█	█	█	█										
EDP detail design			█	█	█	█	█	█								
First agency circulation									█	█						
Second agency circulation											█					
lodge EDP development application												█				
Public notification													█			
Assessment														█		
Determination															█	
Land sales and construction																█

Timing including Concept Plan Territory Plan Variation	Aug 2021 - Jan 2023				2023												2024	
	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Jan	Feb			
Concept Plan Territroy Plan Variation		█	█	█														
Due diligence review, gap analysis	█																	
Conduct additional research studies		█	█	█	█	█												
EDP detail design				█	█	█	█	█	█									
First agency circulation										█	█							
Second agency circulation											█							
lodge EDP development application												█						
Public notification													█					
Assessment														█				
Determination															█			
Land sales and construction																	█	

Appendix A

Ginninderry Neighbourhood 1 EDP 2 Table of Contents	
1.0	Introduction
2.0	Site particulars
2.1	Site Location & Context
2.2	Site Description
2.3	Applicable Legislative Controls
3.0	Ginninderry Vision
3.1	The Territory Plan
3.2	Green Star- Communities
3.3	Character Areas
4.0	Background studies and approvals
4.1	Environmental Approvals
4.2	Clearance Zones
4.3	Trees
4.4	Traffic
4.5	Bushfire Protection Assessment
4.6	Environmental Site Assessment
4.7	Heritage
4.8	Services and Utilities
4.9	Belconnen Substation
4.10	Road Noise
4.11	Water Sensitive Urban Design
4.12	Community Needs
4.13	Retail Needs
5.0	The proposal
5.1	Plan Set
5.2	Urban Design
5.3	Block Details
5.4	Staging
5.5	Land Use Zones
5.6	Utilities and Services
5.7	Proposed ActewAGL Zone Substation

5.8	Water Sensitive Urban Design
5.9	On-Street Parking
5.10	Traffic
5.11	Landscape & Open Space Network
5.12	Tree Management
5.13	Block Compliance
5.14	Planning Controls
5.15	Road Network
5.16	Public Transport and Off- Road Movement Network
5.17	Active Travel
5.18	Waste Management
5.19	Bushfire Management
5.20	Grading
5.21	Environmental Management and Protection
5.22	Conservation/ Urban Interface
5.23	Associated Works
6.0	Planning assessment
6.1	West Belconnen Structure Plan
6.2	West Belconnen Concept Plan
6.3	Estate Development Code
6.4	Crime Prevention Through Environment Design General Code
Appendix A	EDP Plan Set (Separately bound A3 plan set)
Appendix B	Statement Against Criteria: West Belconnen Concept Plan
Appendix C	Statement Against Criteria: Estate Development Code
Appendix D	Statement Against Criteria: CPTED General Code
Appendix E	Urban Design Report
Appendix F	Tree Management Strategy
Appendix G	Tree Assessment (Offsite Works)
Appendix H	Traffic Report - Stage 2 TIA
Appendix I	Traffic Report - Ginninderry TIA
Appendix J	Bushfire Protection Assessment
Appendix K	Heritage Advice from Past Traces
Appendix L	Placeholder - not required
Appendix M	Statement of Heritage Effects

Appendix N	Statement of Heritage Effects (redacted - Heritage sensitivity)
Appendix O	Statement of Heritage Effects (associated works)
Appendix P	Statement of Heritage Effects (associated works) redacted
Appendix Q	Water Sensitive Urban Design Checklist
Appendix R	Architectural Design Information and Assessment
Appendix S	Retail Needs Assessment
Appendix T	Community Needs Assessment
Appendix U	Internal Road Noise Assessment
Appendix V	Pedal Power Correspondence
Appendix W	TCCS Correspondence
Appendix X	EPBC Approval
Appendix Y	Section 211 Approval
Appendix Z	Environmental Site Assessment
Appendix AA	Substation Noise Assessment
Appendix BB	Correspondence on Sewerage Servicing
Appendix CC	Proposal to Adjust Clearance Zone - Green Waste Facility
Appendix DD	Buffer Zones for Vent Structures
Appendix EE	Active Travel Correspondence