



Minister for the Environment and Heritage  
Minister for Planning and Land Management  
Minister for Police and Emergency Services  
Minister assisting the Chief Minister on  
Advanced Technology and Space Industries  
Manager of Government Business  
Member for Brindabella

18/31802

Mr Tom Duncan  
Clerk  
ACT Legislative Assembly  
GPO Box 1020  
CANBERRA ACT 2601

Dear Mr Duncan

*Tom*

Thank you for your letter of 23 October 2018 regarding petition Nos. 12-18 and 20-18 lodged by Ms Caroline Le Couteur MLA on behalf of 83 residents of the Australian Capital Territory, with the principal petitioner of petition 12-18 being Ms Fiona Carrick.

I understand the petition brings to the attention of the ACT Legislative Assembly concerns about the overshadowing impacts of the 'Wova' development (DA201833492) and requests the Assembly calls on Government to amend the Phillip Precinct Code. The requested amendments are to position buildings to remove overshadowing impacts to Bellerive Retirement Village, to reduce building heights to a maximum of 48m and to reduce the number of buildings.

While I appreciate the concerns raised through this petition, unfortunately this petition was lodged with the Assembly on 23 October 2018, after the development application for 'Wova' was approved with conditions by the independent planning and land authority on 28 September 2018.

The proposal for 'Wova' was initially presented to the interim National Capital Design Review Panel, which supported the design while raising concerns with the overshadowing impact of the proposal. The development application for 'Wova' on Block 17, Section 3 Phillip was lodged in April 2018, which proposed a building (Building 4) extending to 24 storeys fronting Melrose Drive.

Following the initial assessment, and having regard to the concerns raised through representations, an amendment was lodged which included a reduction in the height of Building 4 to 16 storeys, tapering down to 12 storeys. This substantially reduced the overshadowing of Bellerive.

Due to concerns with the building form, the development application was approved with a condition that Building 4 be reduced in height to 12 storeys. However, I am advised that a reconsideration application has been lodged by the applicant with regard to this condition.

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### ACT Legislative Assembly

London Circuit, Canberra ACT 2601, Australia    GPO Box 1020, Canberra ACT 2601, Australia  
Phone +61 2 6205 0218    Email [gentleman@act.gov.au](mailto:gentleman@act.gov.au)



@GENTLEMANMick



MickGentleman



Development within the Woden Town Centre is controlled by the Territory Plan, particularly the *Commercial Zones Development Code* and the *Phillip Precinct Map and Code*. During 2018, *Variation 344 Woden Town Centre (V344)* amended the *Phillip Precinct Map and Code*. This incorporated a range of planning control recommendations from the approved *Woden Town Centre Master Plan* and introduced a range of provisions to manage the built form within the town centre and protect solar access to dwellings within and surrounding the centre.

Prior to the introduction of V344, there were no controls in place to manage solar access impacts to surrounding dwellings from development within the town centre. One of the new provisions of the precinct code, i.e. Criterion 11, permits development up to 24 storeys on Block 17 Section 3 (the Wova site) provided the development does not significantly impact on the existing solar access of nearby residential development between 9am and 3pm on the winter solstice (21 June).

This provision was included in response to a recommendation by the Standing Committee on Planning and Urban Renewal. The Draft Variation 344 was subsequently tabled in the Legislative Assembly for five sitting days and approved with no disallowance motions being made. The new provisions in the Territory Plan are considered to be appropriate to protect the amenity for residents of the area while facilitating development within the town centre.

Given that the approved development was amended to reduce overshadowing impacts, and the Phillip Precinct Map and Code already incorporates provisions to reduce overshadowing impacts from development on Block 17 Section 3 Phillip, it is considered that no further action is necessary with regard to this petition.

Yours sincerely



Mick Gentleman MLA  
Minister for Planning and Land Management

9/11/19