

# Planning and Development (Plan Variation 376) Approval 2021

Notifiable instrument NI2021-654

made under the

Planning and Development Act 2007, s 76 (Minister's powers in relation to draft plan variations)

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## 1 Name of instrument

This instrument is the *Planning and Development (Plan Variation 376) Approval 2021*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Approval of draft plan variation

(1) I approve under section 76 (2) (a) of the *Planning and Development Act 2007* the plan variation 376 to the Territory Plan.

(2) In this section:

*plan variation 376 to the Territory Plan* means the plan variation in the schedule.

Mick Gentleman MLA  
Minister for Planning and Land Management  
5 November 2021



**ACT**  
Government

Environment, Planning and  
Sustainable Development

**Schedule (See section 3(2))**

*Planning and Development Act 2007*

# **Variation to the Territory Plan 376**

Demonstration Housing  
Co-housing  
Ainslie section 25 block 6

Final variation prepared under s76 of the  
*Planning and Development Act 2007*

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# **1. EXPLANATORY STATEMENT**

## **1.1 Background**

The Demonstration Housing Project was established to test and showcase how the ACT can best deliver a compact, sustainable, accessible and active city through innovative planning, design and delivery.

The Demonstration Housing Project responds to an ACT Legislative Assembly resolution passed in June 2017, which asked the ACT Government to engage with the community and industry stakeholders on how to deliver demonstration housing proposals that showcase best-practice in one or more of the following areas:

- excellence in construction and design quality
- carbon neutral buildings
- medium density infill
- innovative planning and engagement approaches
- innovative housing products and typologies
- close partnership with industry bodies
- options for public and affordable housing

Demonstration Housing offers a ‘hands on’ opportunity to test the effectiveness of different housing types through real examples and future review through post-occupancy assessment. The experience gained from Demonstration Housing will inform future government policy and Territory Plan changes, to encourage and support improved housing choice and housing quality in Canberra.

Each proponent has gone through a rigorous two-stage evaluation process. The evaluation criteria included an assessment against the demonstration housing concept, design quality and build quality. Proponents were also required to present and receive endorsement from the National Capital Design Review Panel and undertake design refinement. Community consultation in accordance with an approved engagement strategy was also undertaken.

## **1.2 Summary of the Proposal**

Demonstration Housing is closely aligned with the ACT Government’s Housing Choices policy project. Housing Choices investigates ways in which the housing needs of residents can be better met now and in the future. Its aim is to introduce more flexibility into the planning system to enable more housing choice and encourage the kind of quality residential buildings that the community wants.

Extensive community engagement was undertaken as part of the Housing Choices project. The community indicated that it wants more housing diversity including options to age in place, better construction quality, better housing design, more affordable housing, and infill development that reflects Canberra's garden city principles.

Demonstration Housing is intended to deliver different housing types that are not currently available in Canberra and that support high quality design, build quality, housing choice, environmental sustainability and medium density infill.

Demonstration Housing projects aim to build, showcase and test different housing types which will help inform housing choice policy development.

This Demonstration Housing Project, known as Stellulata, is for a small co-housing model, consisting of 3 modest dwellings and 1 common area to be shared amongst the residents. The common area will be a shared space, allowing residents to gather, enjoy shared meals, entertain, or to house a guest. The grounds will have a communal vegetable garden and barbeque area, together with private open space for each dwelling. A private shared electric vehicle system means the development is only proposing two car spaces.

To support Demonstration Housing, this variation amends the Ainslie Precinct Map and Code to add 'co-housing' as an additional merit assessable development at Ainslie section 25 block 6.

### **1.3 The National Capital Plan**

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The Planning and Land Management Act 1988 also required that the Territory Plan is not inconsistent with the NCP.

In accordance with section 10 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, the NCP defines the planning principles and policies for Canberra and the Territory, for giving effect to the object of the NCP and sets out the general policies to be implemented throughout the Territory, including the range and nature of permitted land uses.

It also sets out the detailed conditions of planning, design and development for areas that have special significance to the National Capital known as designated areas and identifies special requirements for the development of some other areas.

## 1.4 Site Description

The subject site is Ainslie section 25 block 6 and is zoned Residential RZ1 Suburban. The block is flat and rectangular shaped, with an area of 1090m<sup>2</sup> and a frontage of approximately 22m to Angas Street. The site possesses unimpeded northern exposure, no significant trees in the construction zone and a driveway in the south-western corner. The block is close to local shops, community facilities, and public transport options including walking distance to the MacArthur Avenue light rail stop. The block currently contains a single storey residential dwelling.



**Figure 1 Location map**

## 1.5 Current Territory Plan Provisions

The Territory Plan map for the area subject to this variation is shown in Figure 2.

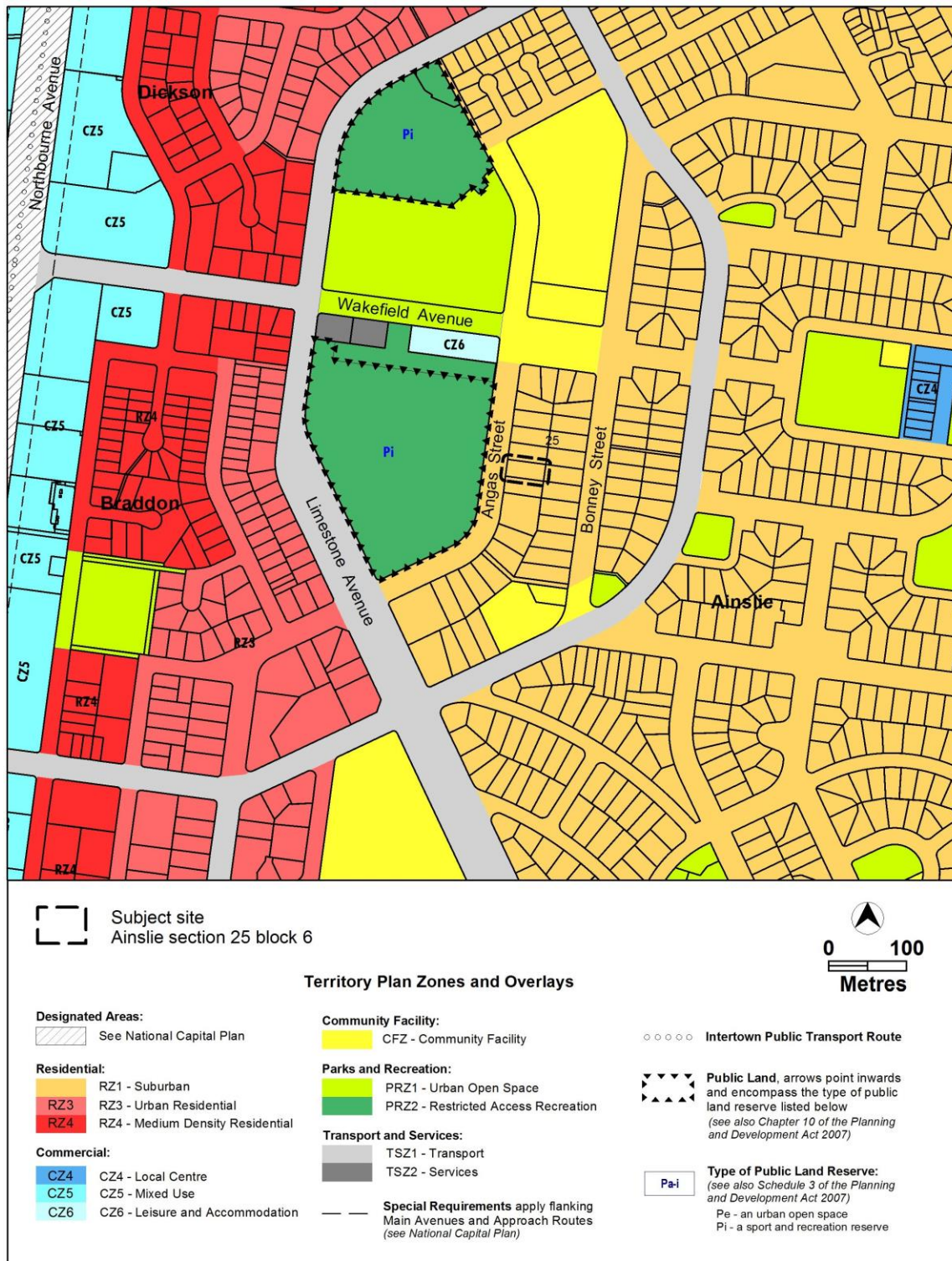


Figure 2 Territory Plan Zones Map

## 1.6 Changes to the Territory Plan

Detailed changes to the Territory Plan are noted in section 2 of this document.

## 1.7 Consultation on the Draft Variation

The draft variation was released for public comment between 19 February 2021 and 16 April 2021. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register on 18 February 2021. A public notice was placed on the ACT Government public notices website on 22 February 2021.

A total of 14 written submissions were received, which included 13 submissions from individuals and one from a community group.

The main matters raised by submitters included:

- support for the draft variation
- concerns about:
  - the proposed ‘modest’ size of units and limited individual and community storage space
  - the long-term viability of the development
  - varying the Territory Plan to permit the development
  - the proposed number of carparking spaces being inadequate

The above issues were considered and are detailed in a report on consultation.

A change to the draft variation was informed by the issues raised during consultation. The outcomes of consultation were considered by the Minister responsible for planning prior to approval of this variation.

## 1.8 Revisions to the Draft Variation Recommended to the Minister

No changes have been made to the draft variation following the referral of the recommended version to the Minister responsible for planning.

## 2. VARIATION

The Territory Plan is varied in all of the following ways:

### 2.1 Variation to the Territory Plan

#### Variation to the Multi Unit Housing Development Code

- |   |
|---|
| <b>1. Part A General controls, Element 3: Building and site controls,<br/>3.1 Dwelling replacement – standard blocks, rule R5, first sentence</b> |
|---|

*Substitute*

This rule applies to *standard blocks* in all residential zones that are proposed to be redeveloped for *multi unit housing*, but does not apply to *supportive housing* and *co-housing*.

#### Variation to the Ainslie Precinct Map and Code

- |   |
|---|
| <b>2. Ainslie Precinct Map and Code</b> |
|---|

*Substitute with Appendix A*

## Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna t'interpretu, čempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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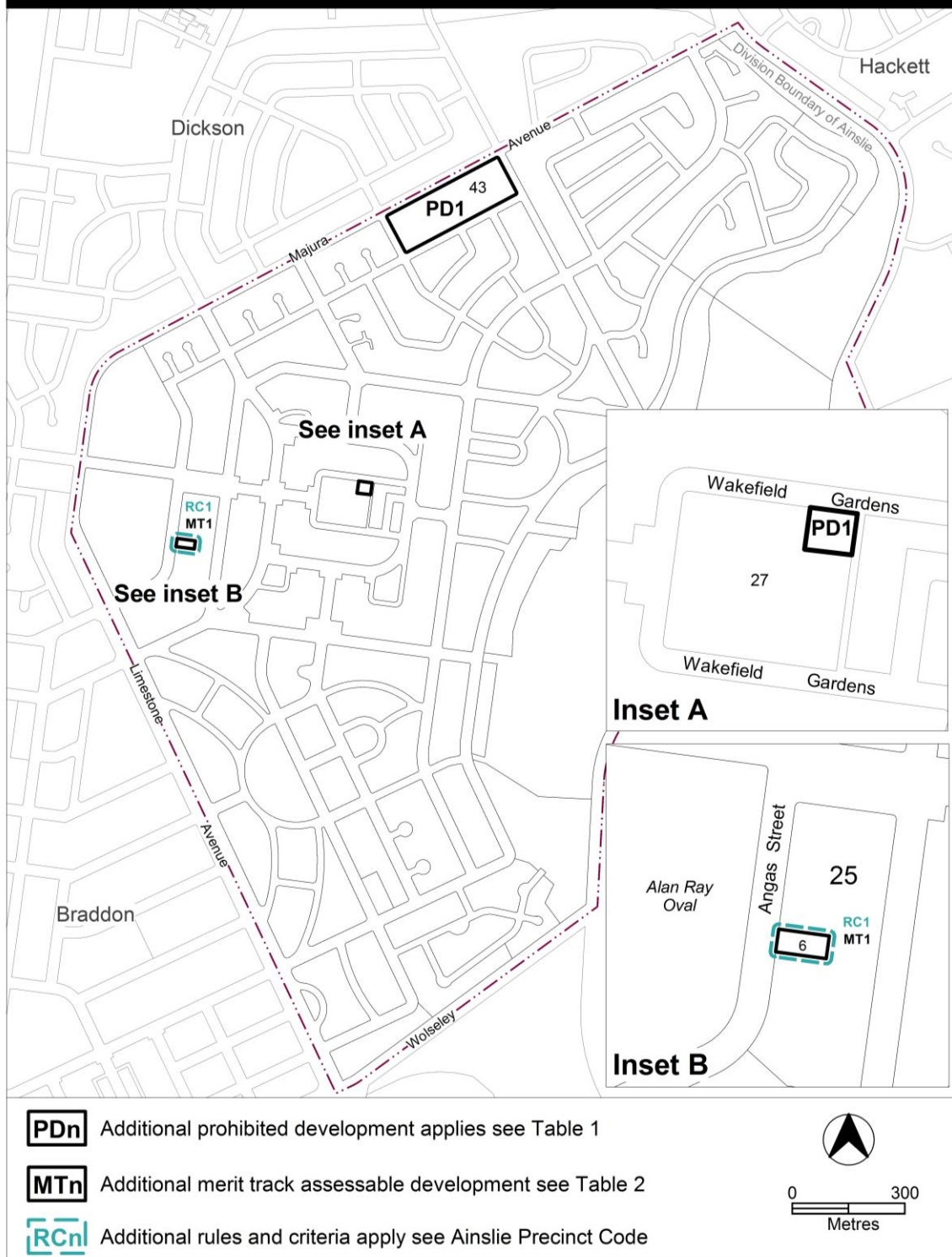
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# Ainslie Precinct Map and Code

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# Ainslie Precinct Map



# Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Ainslie Precinct Map (identified as PDn or MTn). Development that is exempt from requiring development approval, other prohibited development and the minimum assessment track applicable to each development proposal is set out in the relevant zone development table.

The following tables constitutes part of the relevant zone development table.

**Table 1 – Additional prohibited development**

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CFZ	<i>retirement village supportive housing</i>

**Table 2 – Additional merit track development**

Additional merit track development		
Suburb precinct map label	Zone	Development
MT1	RZ1	<i>co-housing</i>

# Ainslie Precinct Code

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# Introduction

## Name

The name of this code is the **Ainslie Precinct Code**.

## Application

The code applies to the Division of Ainslie.

## Purpose

This code provides additional planning, design and environmental controls for specific areas or blocks and may also contain references to provisions in other codes.

In conjunction with other relevant codes it will be used by the *Authority* to assess development applications and offer guidance to intending applicants in designing development proposals and preparing development applications.

## Structure

This code contains additional rules and/or criteria for particular blocks or parcels identified as areas RCn on the precinct map, to be read in conjunction with the relevant development code. It may also contain sub-parts.

Each element has one or more rules and, unless the respective rule is mandatory, each rule has an associated criterion. Rules provide quantitative, or definitive, controls. By contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules are accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” are found where a criterion only is applicable.

## Code hierarchy

Under the *Planning and Development Act 2007*, where more than one type of code applies to a development, the order of precedence if there is inconsistency of provisions between codes is: precinct code, development code and general code.

If more than one precinct code applies to the site, the most recent precinct code takes precedence to the extent of any inconsistency.

## Definitions

Defined terms, references to legislation and other documents are italicised.

Definitions of terms used in this code are listed in part 13 of the Territory Plan or, for terms applicable only to this code, listed below.

**Co-housing** means a development with separate dwellings or private living areas, with some common/shared indoor components which may include kitchens, living areas, and laundries. Individual dwellings must each contain a minimum of one bedroom, one bathroom and may contain a kitchenette.

#### **Acronyms**

EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
EPSDD	ACT Environment, Planning and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TCCS	ACT Transport Canberra and City Services

## Additional rules and criteria

This part applies to blocks and parcels identified in the Ainslie Precinct Map (RCn). It should be read in conjunction with the relevant zone development code and related codes.

### RC1 – Demonstration housing

This part applies to blocks and parcels identified in area RC1 shown on the Ainslie Precinct Map.

#### Element 1: Use

Rules	Criteria
<b>1.1 Demonstration housing</b>	
<b>R1</b> <i>Co-housing</i> development can only be undertaken by the Demonstration Housing Project lessee(s) identified on a register published on an ACT Government website.	This is a mandatory requirement. There is no applicable criterion.

#### Element 2: Building and site controls

Rules	Criteria
<b>2.1 Plot ratio</b>	
<b>R2</b> <i>Plot ratio</i> is not more than 50%.	This is a mandatory requirement. There is no applicable criterion.
<b>2.2 Number of dwellings</b>	
<b>R3</b> The maximum number of <i>dwellings</i> is 3.	This is a mandatory requirement. There is no applicable criterion.
<b>2.3 Subdivision</b>	
<b>R4</b> <i>Subdivision</i> under the <i>Unit Titles Act 2001</i> of a <i>co-housing</i> development is permitted. A maximum of 3 <i>dwellings</i> can be unit titled.	This is a mandatory requirement. There is no applicable criterion.
<b>2.4 Parking</b>	
<b>R5</b> <i>Co-housing</i> development complies with all of the following: a) does not increase in the number of verge crossings b) car parking spaces are provided in a single combined parking area screened from public view.	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
<b>2.5 Parking spaces</b>	
<p>R6</p> <p>A minimum of 2 car parking spaces are to be provided.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>