

Planning and Development (Draft Variation No 319) Consultation Notice 2014

Notifiable instrument NI2014—340

made under the

***Planning and Development Act 2007*, section 63 (Public consultation—notification) and section 64 (Public consultation—notice of interim effect etc)**

Under the *Planning and Development Act 2007* (the Act), section 63(1), the planning and land authority has prepared Draft Variation No 319 to the Territory Plan – zone and overlay changes to public land in the Gungahlin District as a result of the Gungahlin Strategic Assessment Biodiversity Plan (see Annexure A).

Draft Variation No 319 to the Territory Plan proposes to:

- update the East Gungahlin Structure Plan
- introduce a concept plan for the suburb of Throsby
- include areas of Throsby as nature reserve in the NUZ3 – Hills, Ridges and Buffer zone
- include Kinlyside as nature reserve in the NUZ3 – Hills, Ridges and Buffer zone
- include Horse Park north, parts of Jacka and Taylor in the NUZ3 – Hills, Ridges and Buffer zone

The draft variation and background documents are available online at **www.act.gov.au/draftvariations** until the closing date for written comments.

Printed copies of the draft variation and background documents are available for inspection and purchase at the Environment and Planning Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

Written comments from the public are invited from the public by **Friday 29 August 2014**.

Comments should include reference to the draft variation, your name and contact details, and be addressed to the Territory Plan Section.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- delivered to EPD's Customer Service Centre at 16 Challis Street, Dickson

Copies of written comments will be made publicly available 10 working days after the closing date for no less than 15 working days at EPD's Customer Service Centre in Dickson and may be published on EPD's website.

Comments made available will include personal contact details unless excluded under section 411 or 412 of the Act. A request for exclusion under these sections must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria.

Effect of the draft variation

Section 65 of the Act does not apply in relation to the draft variation so it does not have interim effect. The current Territory Plan will continue to apply while the variation remains in draft form.

Jim Corrigan

Delegate of the Planning and Land Authority

16 July 2014



ACT
Government

Environment and Planning

Annexure A

Planning and Development Act 2007

Draft Variation to the Territory Plan No 319

**Zone and overlay changes to public land
in the Gungahlin District as a result of the
Gungahlin Strategic Assessment
Biodiversity Plan**

Throsby, Jacka, Horse Park north, Taylor and Kinlyside

July 2014

Draft variation for public consultation prepared
under s60 of the *Planning and Development Act 2007*

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1. INTRODUCTION

1.1 Summary of the Proposal

The draft variation 319 to the Territory Plan changes the current zone and overlay provisions at Kinlyside, Taylor, Horse Park north, Jacka and Throsby as a result of the Gungahlin Strategic Assessment Biodiversity Plan (the Plan). It is to formally add all of Kinlyside and part of Throsby to the ACT's nature reserve estate and rezone Horse Park north and part of Taylor and Jacka to the hills, ridges and buffer zone.

1.2 Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the Act) establishes the planning and land authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary. The functions of the planning and land authority are administered by the Environment and Planning Directorate (EPD).

The Territory Plan is comprised of a written statement and a map. The written statement contains a number of parts, namely governance; strategic directions; zones (including objectives and development tables and zone or centre development codes); precinct codes; general codes; overlays; definitions; structure plans, concept plans and development codes for future urban areas.

The Territory Plan Map graphically represents the applicable land use zones (under the categories of residential, commercial, industrial, community facility, urban parks and recreation, transport and services and non urban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the volumes of the Territory Plan.

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period the EPD submits a report on consultation and a recommended final variation to the Minister responsible for planning for approval. The Minister has the discretion to determine if referral to the Legislative Assembly standing committee responsible for planning is warranted prior to approval, depending on the nature and significance of the proposal. If the draft variation is referred to the committee by the Minister or otherwise, the Minister must consider the findings of the committee before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

1.3 This document

This document contains the background information in relation to the proposed variation. It comprises the following parts

Part 1 This Introduction

Part 2 An Explanatory Statement, which gives reasons for the proposed variation and describes its effect

Part 3 The Draft Variation, which details the precise changes to the Territory Plan that are proposed

1.4 Public Consultation

Written comments about the draft variation are invited from the public by

29 August 2014.

Comments should include reference to the draft variation, your name and contact details, and be addressed to the Territory Plan Section.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Comments, GPO Box 158, Canberra, ACT 2601
- delivered to EPD's Customer Service Centre at 16 Challis Street, Dickson

Copies of written comments will be made available (unless excluded) for public inspection for no less than 15 working days starting 10 working days after the closing date for comment. The comments will be available at EPD's customer service centre in Dickson and may be published on EPD's website.

Comments made available will include personal contact details unless excluded under section 411 or 412 of the *Planning and Development Act 2007*. A request for exclusion under these sections must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria.

Further Information

The draft variation and background documents are available online at **www.act.gov.au/draftvariations** until the closing date for written comments.

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase at the Environment and Planning Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

2. EXPLANATORY STATEMENT

2.1 Background

In October 2012, the ACT and Commonwealth Governments commenced a Strategic Assessment under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Strategic Assessment aimed to assess the potential impacts of development on the remaining identified greenfield sites in Gungahlin district on Matters of National Environmental Significance (MNES) protected under the EPBC Act.

The Strategic Assessment – the Gungahlin Strategic Assessment Biodiversity Plan (the Plan) was approved by the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities on 17 July 2013. The Plan results in the creation of nature reserves at Throsby (284.5 hectares); Kinlyside, Horse Park North and a small part of Taylor and Jacka to be converted to the NUZ3 – Hills, Ridges and Buffer zone. Meanwhile, an exemption for development in Gungahlin was sought and approved by the ACT Minister for the Environment on 20 November 2013 under the *ACT Planning and Development Act 2007*. To implement the outcomes from the Plan, a Territory Plan variation is required to ensure that these identified areas are protected in an enduring way.

2.2 Site Description

2.2.1 Throsby

The suburb of Throsby is located to the north of Horse Park Drive, between the Mulligans Flat and Goorooyaroo Nature Reserves. The Plan results in a substantial reduction of the development area of Throsby from 432 hectares to 148 hectares. This is due to the avoidance of high quality areas in Throsby containing Superb Parrot nesting trees, Golden Sun Moth habitat and Box Gum Woodland in the north and east of the suburb.

Throsby is currently in a future urban area with an indicative zoning of Residential RZ1 – Suburban. This variation is to formally add the north-eastern and south-eastern areas of Throsby to nature reserves and zone it to the NUZ3 – Hills, Ridges and Buffer zone.

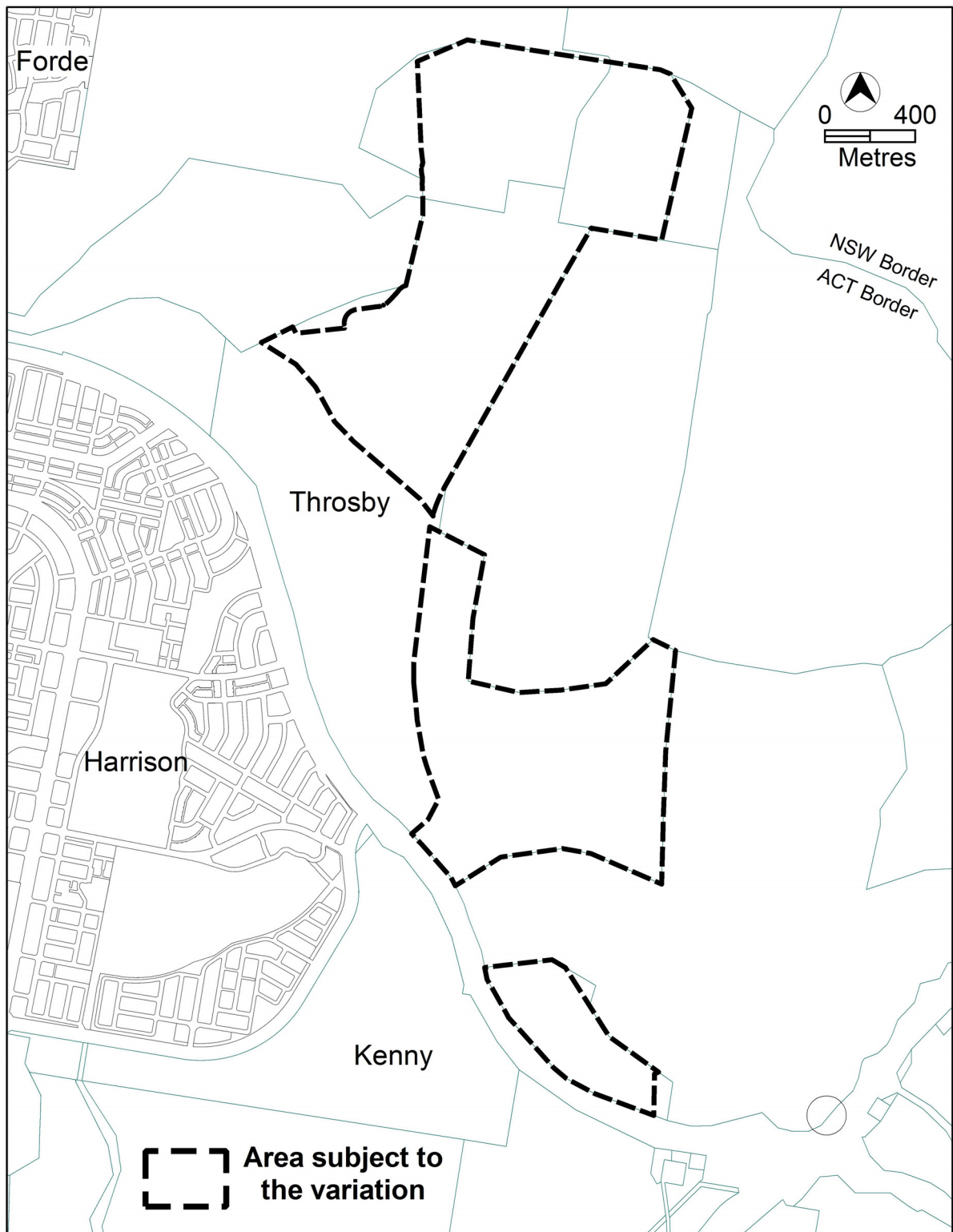


Figure 1 Site Map of Throsby

2.2.2 Jacka (north)

Jacka is located to the north of the suburb of Amaroo and the future Horse Park Drive alignment and the west of the suburb of Bonner. The Plan has identified that Jacka north contains approximately 23 hectares land of significant ecological value, including 15 hectares of low to moderate quality Box Gum woodland in the north western quadrant, as well as Golden Sun Moth habitat. The heritage listed Elm Grove (Block 795 Gungahlin) is also located in Jack north precinct. Jacka north is currently in a future urban area with an indicative zoning of Residential RZ1 – Suburban. This variation is to convert Jacka north to the NUZ3 – Hills, Ridges and Buffer zone.

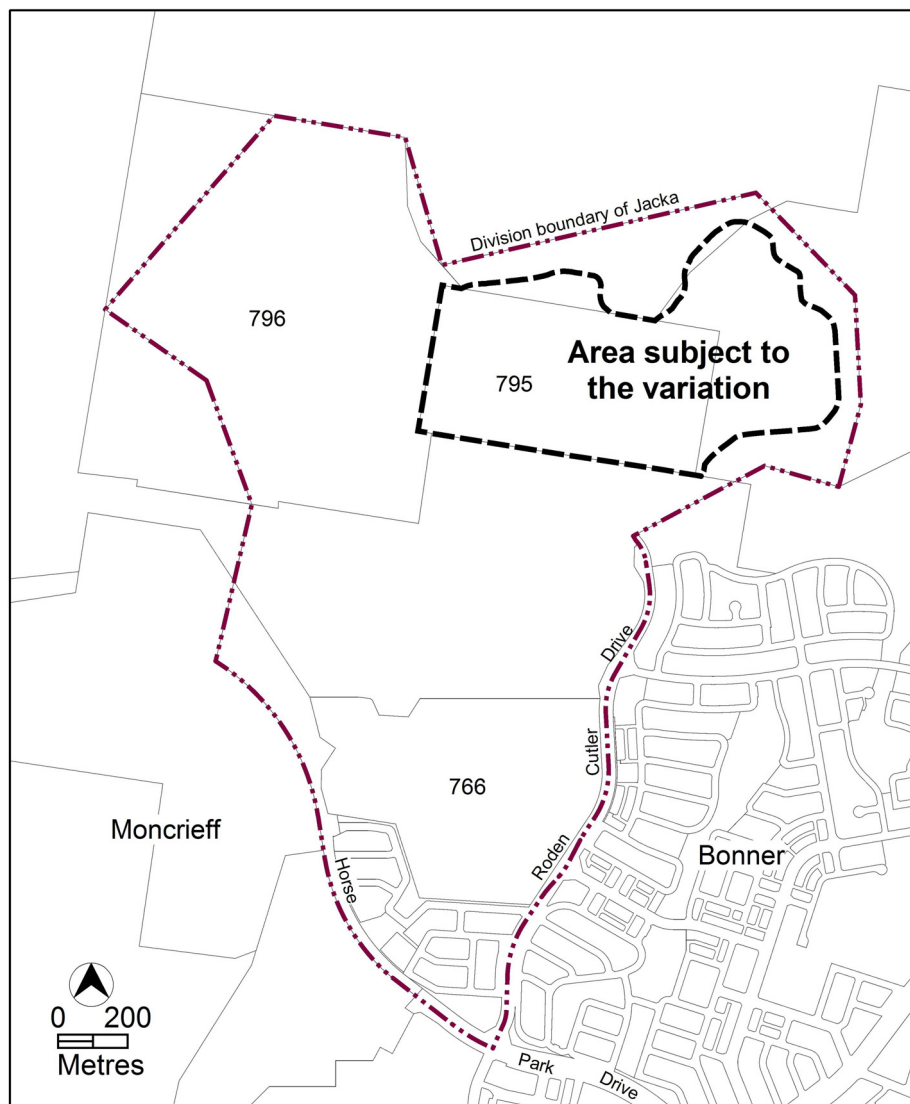


Figure 2 Site Map of Jacka (north)

2.2.3 Horse Park North

Horse Park North is located to the north of the future urban area of Taylor. While identified as a potentially developable area in the Plan, it will be avoided entirely in the Plan (along with 34 hectares of low to moderate quality box gum woodland) and will be zoned the NUZ3 – Hills, Ridges and Buffer zone.

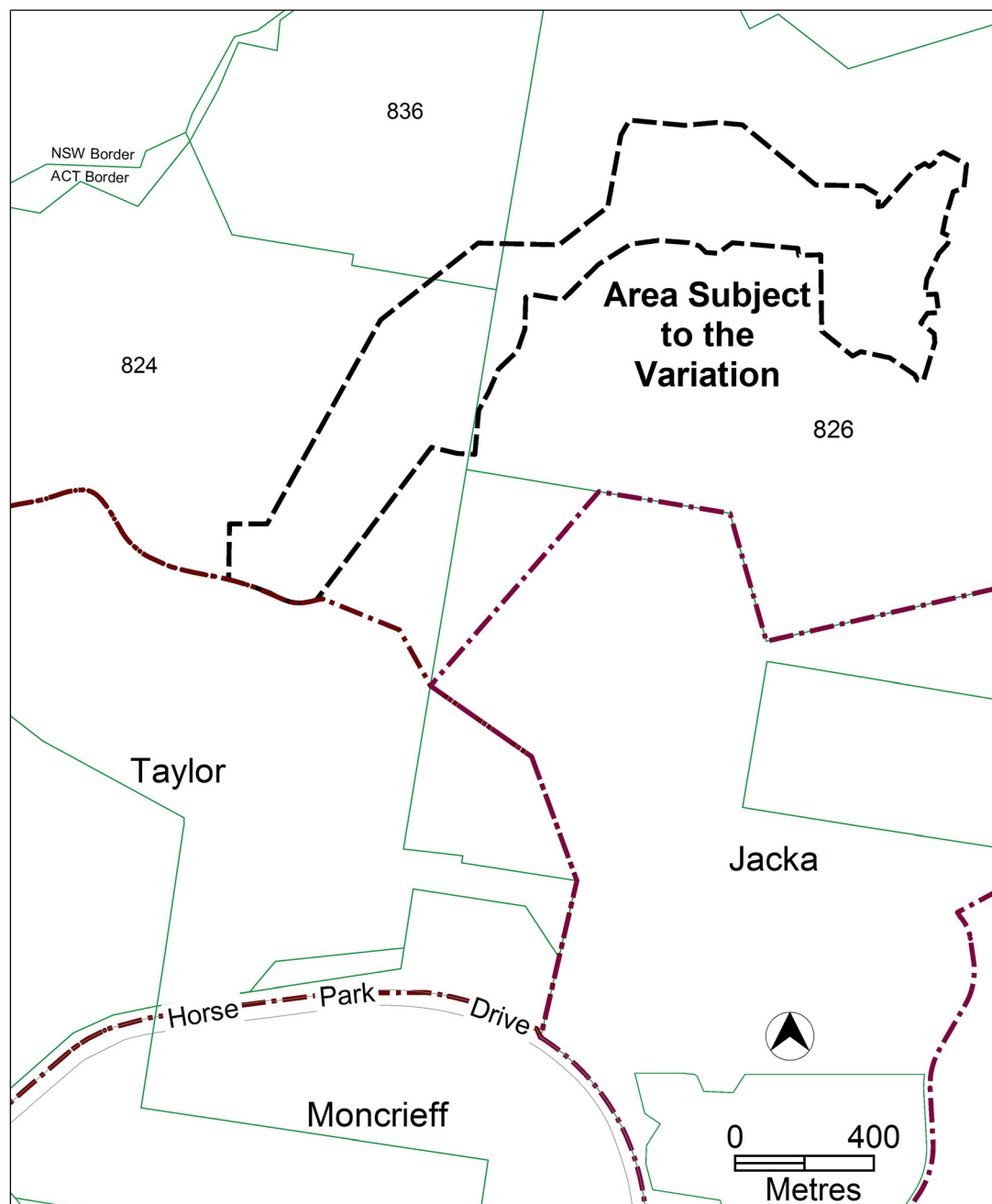


Figure 3 Site Map of Horse Park North

2.2.4 Taylor

Taylor is located at the northern edge of Gungahlin, west of the future suburb of Jacka and north of the suburb of Casey. It is currently in a future urban area with an indicative zoning of Residential RZ1 – Suburban. Future development of Taylor would impact on approximately 55 hectares of low to moderate quality Golden Sun Moth habitat, occurring within native pasture and secondary grassland. This variation is to convert an area of approximately 9.5 hectares of low quality Box Gum woodland located in the north western tip of Taylor to the NUZ3 – Hills, Ridges and Buffer zone.

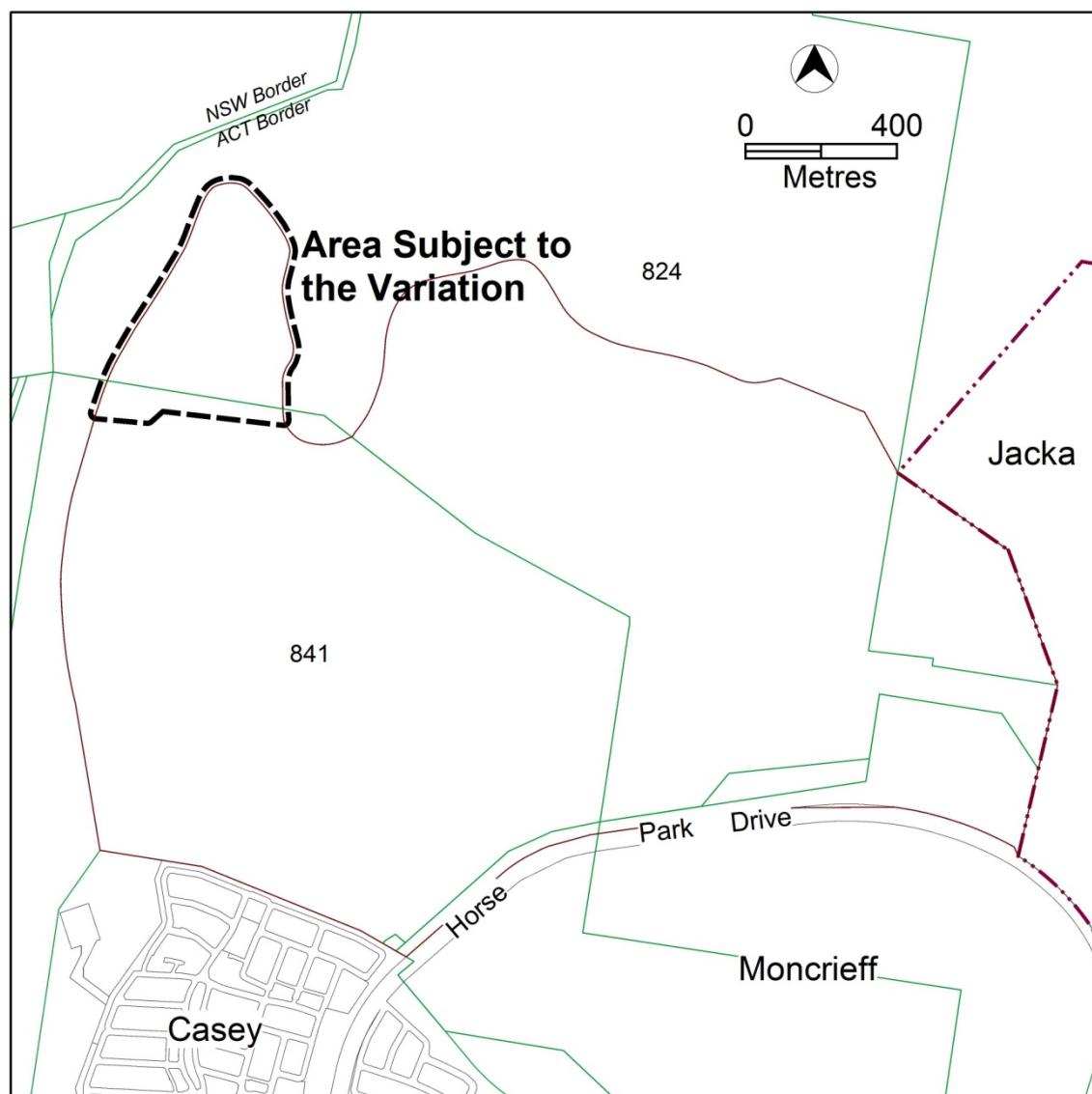


Figure 4 Site Map of Taylor

2.2.5 Kinlyside

Kinlyside is located to the west of the suburb of Casey. It is currently zoned Residential RZ1 – Suburban. It contains critically endangered Yellow Box/Red Gum Grassy Woodlands which is known habitat for Superb Parrot, Golden Sun Moth and Pink-tailed Worm-lizard. If Kinlyside is converted to a nature reserve, this new reserve will form part of an important north-south corridor for fauna movement and will protect a significant area of this endangered ecological community.

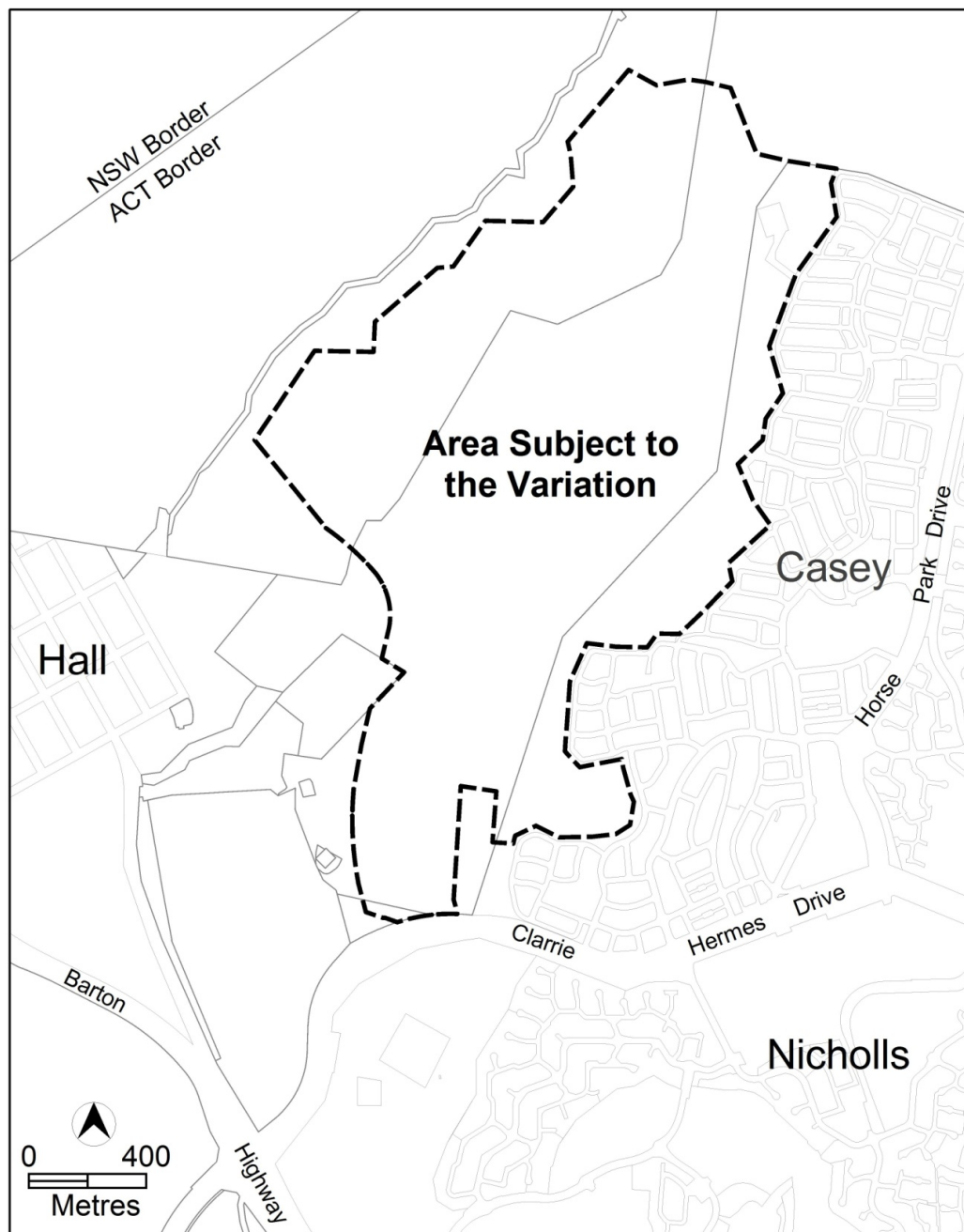


Figure 5 Site Map of Kinlyside

2.3 Current Territory Plan Provisions

2.3.1 Throsby

The Territory Plan map zones for the area subject to this variation are shown in Figure 6.

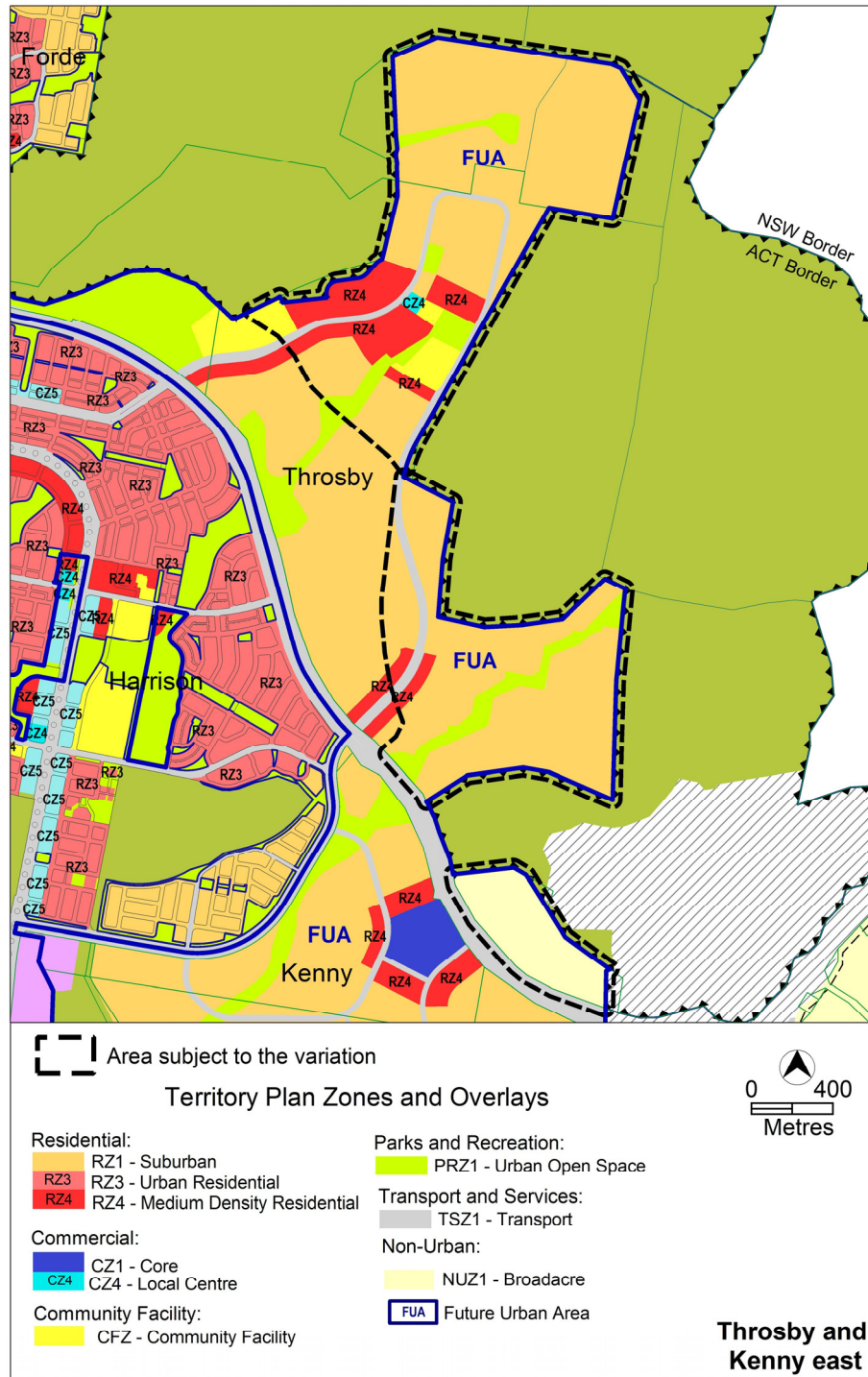


Figure 6 Current Territory Plan Zones Map – Throsby

2.3.2 Jacka (north)

The Territory Plan map zones for the area subject to this variation are shown in **Figure 7**.

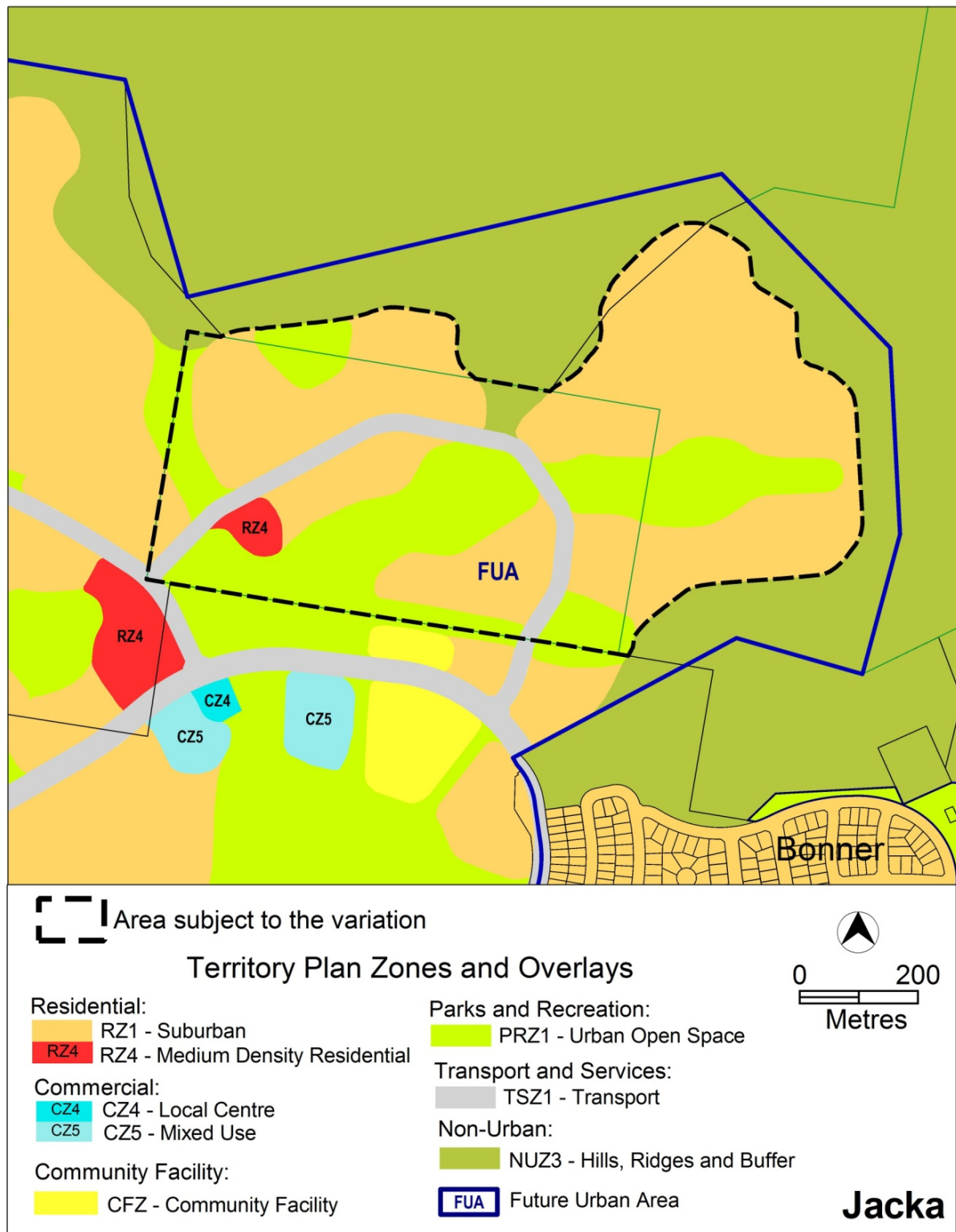


Figure 7 Current Territory Plan Map – Jacka (north)

2.3.3 Horse Park North

The Territory Plan map zones for the area subject to this variation are shown in **Figure 8**.

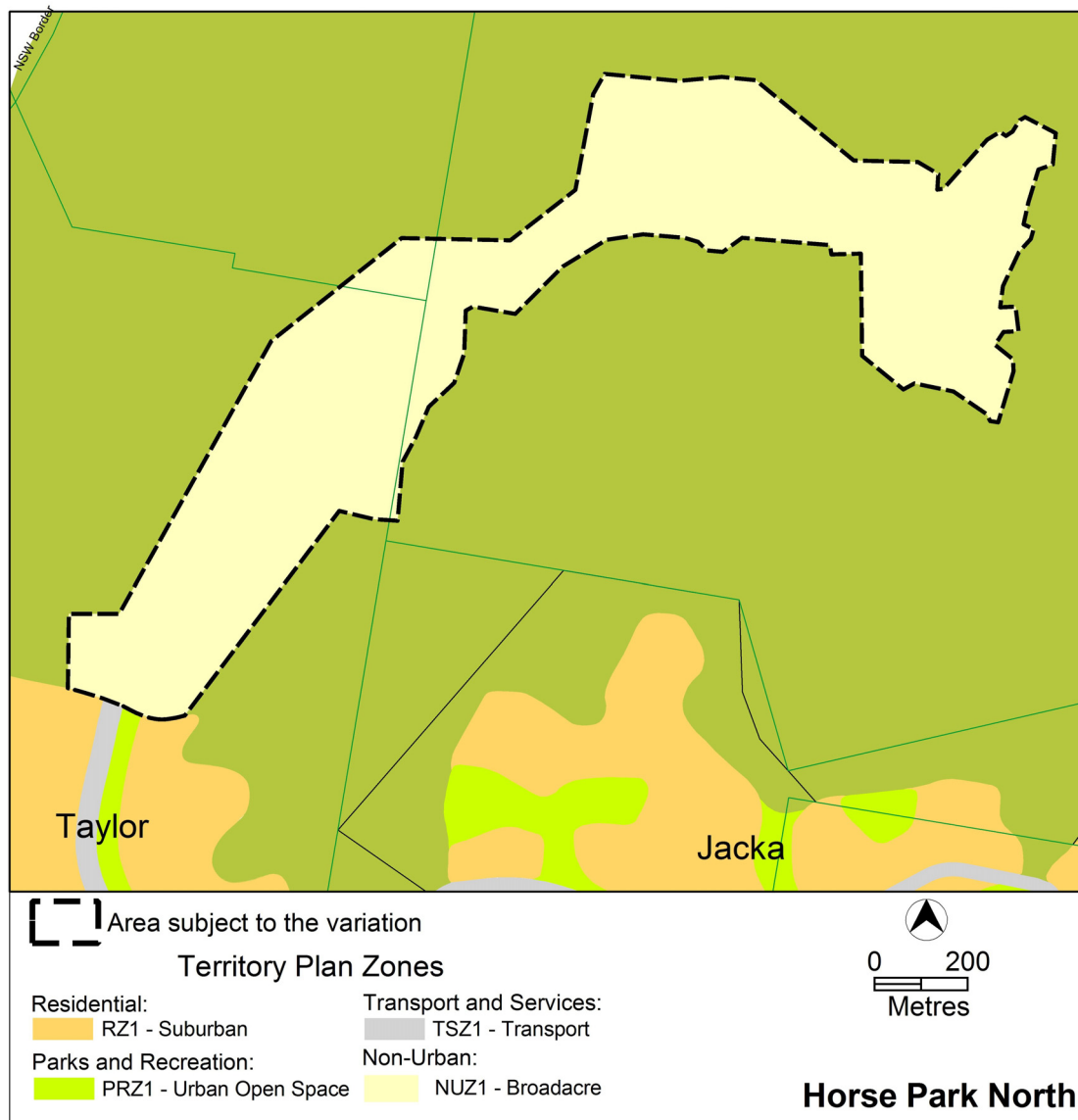


Figure 8 Current Territory Plan Map – Horse Park North

2.3.4 Taylor

The Territory Plan map zones for the area subject to this variation are shown in **Figure 9**.

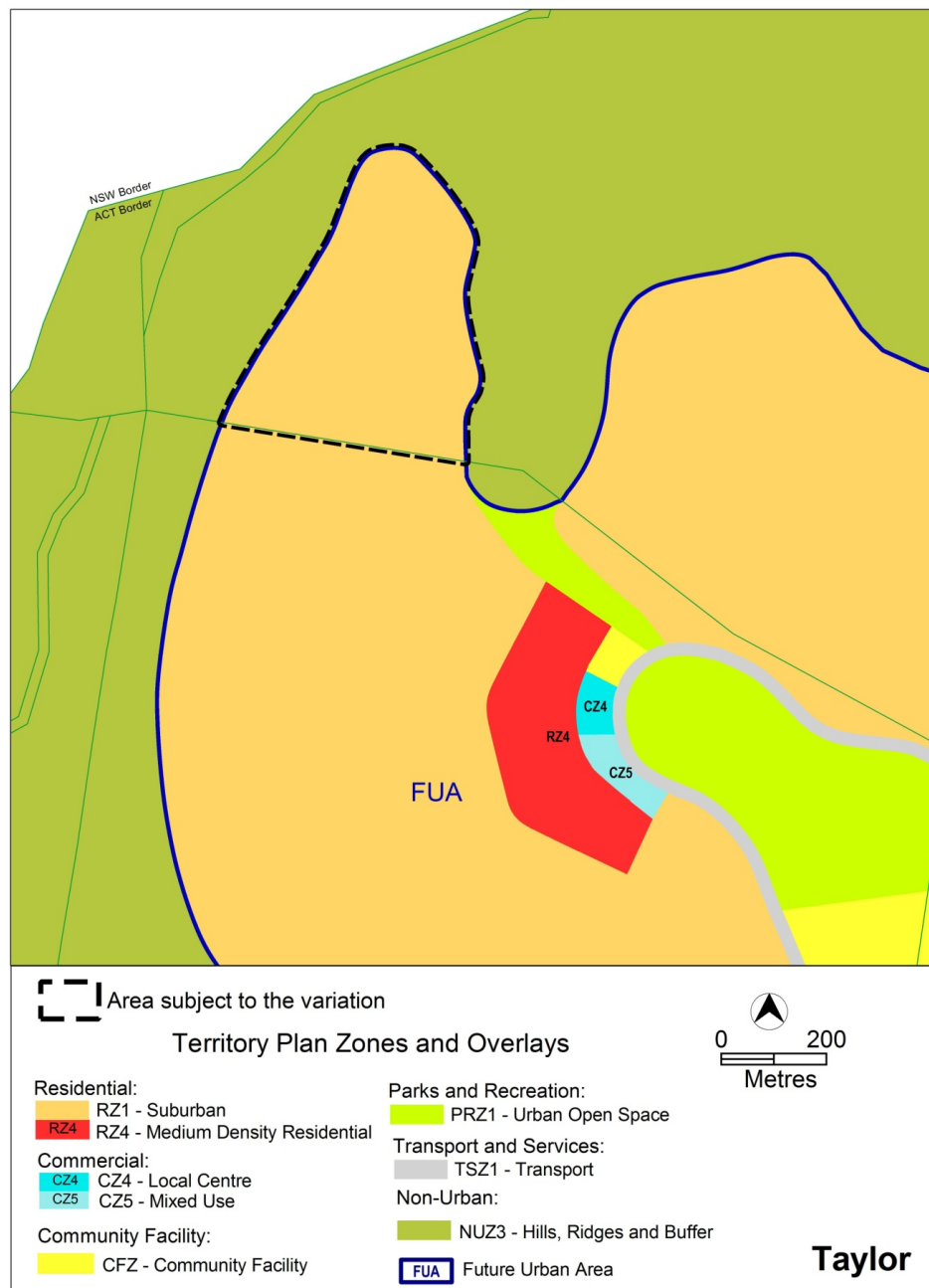


Figure 9 Current Territory Plan Zones Map – Taylor

2.3.5 Kinlyside

The Territory Plan map zones for the area subject to this variation are shown in **Figure 10**.

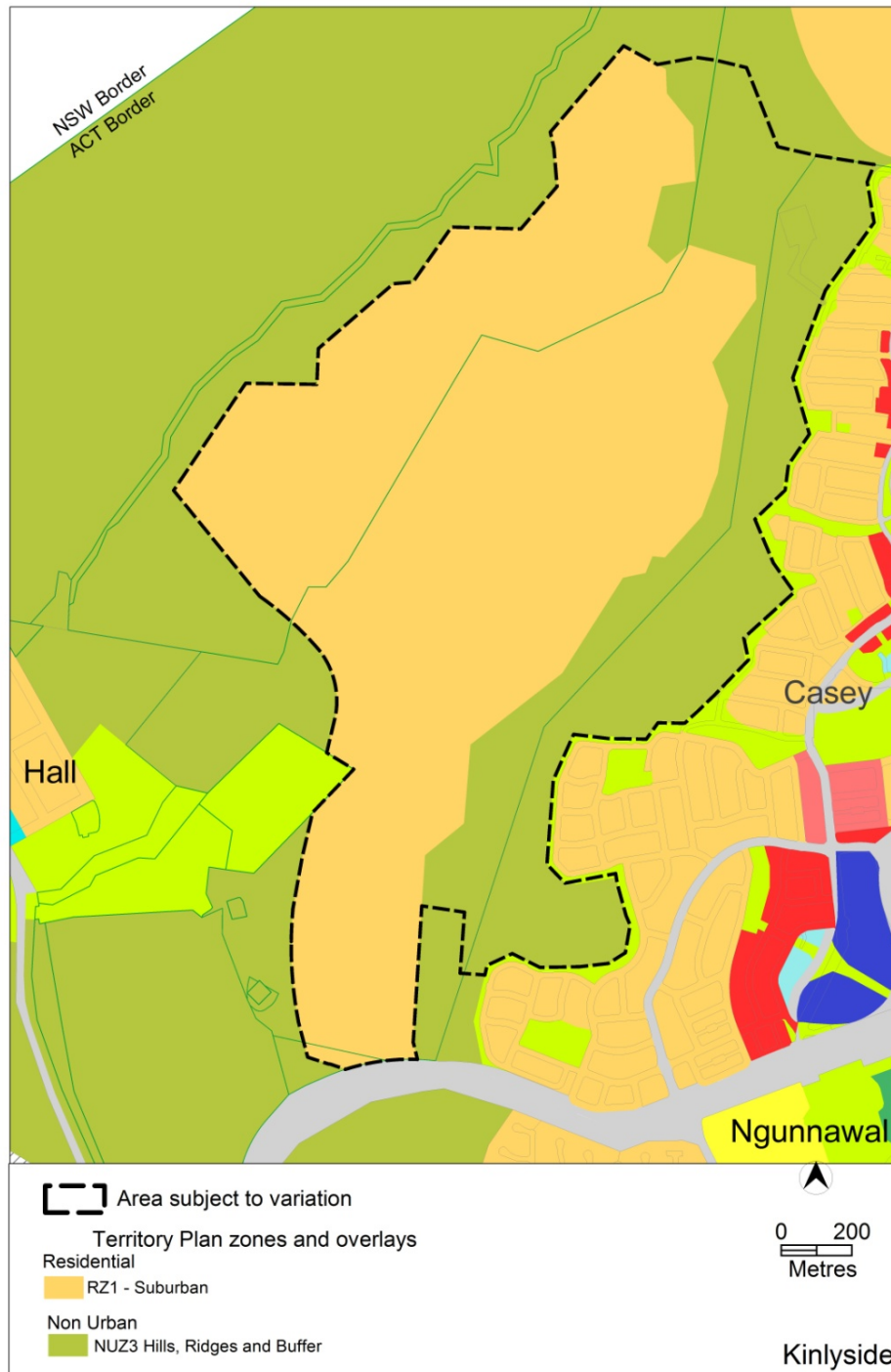


Figure 10 Current Territory Plan Map - Kinlyside

2.4 Proposed Changes

2.4.1 Proposed Changes to the Territory Plan Map

The proposed changes to the Territory Plan map are indicated in **Figures 11, 12, 13, 14 and 15** at Part 3 of this document.

The draft variation map indicates the proposed zone boundaries as accurately as possible but may be subject to adjustments following detailed land surveys.

2.4.2 Proposed Changes to Territory Plan

As a result of the Gungahlin Strategic Assessment Biodiversity Plan, this draft variation proposes to make changes to Throsby, Jacka, Horse Park north, Taylor and Kinlyside, and amend the Territory Plan in the following ways:

Throsby

The following changes are required in response to the Gungahlin Strategic Assessment Biodiversity Plan recommendations and the subsequent reduction of the developable area in Throsby:

- amend the East Gungahlin Structure Plan
 - replace part of residential zone with community facility zone and commercial CZ5 mixed use zone
 - PRZ1 urban open space zone is retained to allow water detention facilities within existing overland flow paths
 - low density residential zone is retained over the rest of the site
 - removal of FUA overlay from block 742 Gungahlin
 - rezone block 742 Gungahlin to the NUZ3 – Hills Ridges and Buffer zone
 - apply a public land Pc nature reserve to block 742 Gungahlin
- introduce a concept plan for the suburb of Throsby that reflects the reduced developable area in Throsby.
- remove Future Urban Areas overlay from part of Throsby that will become nature reserve
- Rezone Residential RZ1 – Suburban zone to Non Urban NUZ3 – Hills, Ridges and Buffer zone for part of Throsby that will become a nature reserve
- Apply Public Land Overlays Pc- a nature reserve to part of Throsby that will become a nature reserve.

Jacka (north)

- Remove Future Urban Area overlay from Jacka north
- Rezone Jacka north from Residential RZ1 – Suburban zone to Non Urban NUZ3 – Hills, Ridges and Buffer zone

Horse Park north

- Rezone Horse Park north from Non Urban NUZ1 – Broadacre to Non Urban NUZ3 – Hills, Ridges and Buffer zone

Taylor

- Rezone part of Taylor from Residential RZ1 – Suburban zone to Non Urban NUZ3 – Hills, Ridges and Buffer zone

Kinlyside

- Rezone the entire Kinlyside area from Residential RZ1 – Suburban zone to Non Urban NUZ3 – Hills, Ridges and Buffer zone
- Apply Public Land Overlays Pc – a nature reserve over the entire Kinlyside area.

2.5 Reasons for the Proposed Draft Variation

The reason for the draft variation is as follows:

- respond to request from the Economic Development Directorate as a result of the Gungahlin Strategic Assessment Biodiversity Plan.

2.6 Planning Context

2.6.1 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.

2.6.2 Territory Plan

Statement of Strategic Directions

The proposal is consistent with the Territory Plan's statement of strategic directions in terms of environmental, economic and social sustainability and spatial planning and urban design principles in the following ways:

General Principles

- 1.3 *Economic, social and environmental objectives will be pursued in a balanced and integrated way, having regard to both short-term and long-term factors, such that present needs can be met without prejudicing the welfare of future generations, and without serious or irreversible loss of life-supporting natural resources or damage to the environment.*

Environmental Sustainability

- 1.6 *The pattern of development is to reflect land capability constraints resulting from topography, soils, geotechnical factors, drainage, natural hazards, microclimate and the sensitivity of ecosystems. Particular attention will be given to the need to conserve soil, water and vegetation; maintain biological diversity; safeguard important ecosystems and ecological processes; and provide and protect wildlife corridors.*

Economic Sustainability

- 1.12 *Planning policies will facilitate the widest possible range of commercial, retail, industrial, rural, tourism, and other forms of economic activity in order to promote new investment and a more diversified economy, to underpin employment growth, and to respond to changing economic opportunities.*

2.7 Interim Effect

Section 65 of the Planning and Development Act 2007 does not apply in relation to the draft variation so it does not have interim effect. The current Territory Plan will continue to apply while the variation remains in draft form.

2.8 Consultation with Government Agencies

In preparing a draft variation under section 61(b), EPD is required to consult with each of the following in relation to the proposed draft variation:

- the national capital authority
- the conservator of flora and fauna
- the environment protection authority
- the heritage council

- if the draft variation would, if made, be likely to affect unleased land or leased public land – each custodian for the land likely to be affected

National Capital Authority

The National Capital Authority provided the following comments on 10 July 2014.

Thank you for referring Draft Variation 319 (DV319) to the Territory Plan to the National Capital Authority (NCA).

The NCA has no objections to DV319 proceeding. The NCA intends to incorporate these changes into the General Policy Plan – Metropolitan Canberra as part of the current review of the National Capital Plan (the Plan). If there are delays in this process, these changes may form a standalone Draft Amendment process. However, DV319 is not inconsistent with the Plan as it currently exists.

Response

Noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna provided the following comments on 16 July 2014.

In accordance with Section 61(b) of the Planning and Development Act 2007, I advise that I have examined Draft Variation to the Territory Plan No. 319, Public Land Overlay and Zone changes in the Gungahlin District that is to implement the findings of the Gungahlin Strategic Assessment Biodiversity Plan (the Plan).

The proposed changes to land use zones to Hills Ridges and Buffers is supported and will help ensure ecological connectivity will continue into the future. The additions to Mulligans Flat and Goorooyaroo Nature Reserves are also supported.

The proposed Kinlyside Nature Reserve boundary as shown in Variation 319 has been negotiated with the existing rural lessees and management of the area for its conservation values has been addressed in their Land Management Agreements. The nature reserve has been fenced to facilitate management of the area for its conservation values and to enable fire management grazing for the adjoining suburbs. The nature reserve overlay as shown in Variation 319 aligns with these fence lines which will assist the Parks and Conservation Rangers in any regulatory activities that may be required in the future.

Variation 319 aims to implement the Plan that has been approved by the Commonwealth to facilitate the development of the remaining area of Gungahlin. The Plan has the following important principles for the protection of matters of National Environmental Significance that should be included in the Territory Plan.

Structure Plan

General Principles

Principle No 2 could be reworded to state

- *“Avoidance of development on lands that support core, well connected habitat of Matters of National Environmental Significance” (page 5 of the Plan)*

An additional Principle should be added that states:

- *“Placement of transport and utility infrastructure to avoid or reduce ongoing impacts to adjoining areas either from operation or periodic maintenance”(pages 27 and 41 of the Plan)*

The wording of principle 1.2.1 (K) should be changed to reflect the wording on pages 28 and 41 of the Plan:

- *“appropriate plant selection for landscaping including consideration of incorporating landscaping species which will provide future connectivity, foraging or shelter opportunities to wildlife. Particular consideration to be given to enhancing connectivity and flight paths for species such as superb parrot which disperse south to the Belconnen District and Molonglo Valley.”*

Kenny Specific Policy

The wording under principle 1.2.2 (B) needs to be changed to reflect the wording on page 41 of the Plan:

- *“all developments are to be surrounded by an edge road to minimise the requirements for bushfire hazard management, enhance passive surveillance and control invasive species”*

Throsby Specific Policy

The following Policies need to be added

- *No development will occur within 100m of any tree in which breeding behaviour of the Superb Parrot has been observed (Figure 5.3 of the Plan),*
- *Protect known Superb Parrot nesting trees including exclusion fencing of the interface between Throsby East Reserve and the future urban area to limit pedestrian access points (Page 56 of Plan)*

- *All residential developments are to be surrounded by an edge road to minimise the requirements for bushfire hazard management, enhance passive surveillance and control invasive species*

DV319 maps only a relatively small area of open space within the area of Throsby subject to development. This is essentially in line with the Plan which seeks to retain and enhance vegetation along Gungaharra Creek. However, the retention of large hollow bearing trees elsewhere within Throsby will be important to both maintaining wildlife within the suburb and for movement of Superb Parrots to and from Mulligans Flat and Goorooyaroo Nature Reserves across the suburb of Throsby.

Statement to support Territory Plan

The conservation importance of Horsepark Wetland is understated. Horse Park Wetland is considered to be of national importance and is listed in the Directory of Important Wetlands in Australia. The wetland is also listed in the Register of the National Estate as important habitat of Latham's Snipe and as containing one of the best regional examples of a permanent, lowland freshwater marsh. It is also habitat of several rare plant species, while there are significant Aboriginal sites associated with the wetland

Nomenclature

The area to the north of Jacka and Taylor is shown within the variation as Horse Park North. This area would be better known as either Jacka North or Taylor North to ensure there is no confusion with the Horse Park Wetlands.

Response

Agree in part, most of the comments have been agreed to or noted as appropriate. The remaining comments will require further discussion between the relevant government agencies including:

Structure Plan

General Principles

An additional Principle should be added that states:

- *“Placement of transport and utility infrastructure to avoid or reduce ongoing impacts to adjoining areas either from operation or periodic maintenance”(pages 27 and 41 of the Plan)*

Kenny Specific Policy

The wording under principle 1.2.2 (B) needs to be changed to reflect the wording on page 41 of the Plan:

- *“all developments are to be surrounded by an edge road to minimise the requirements for bushfire hazard management, enhance passive surveillance and control invasive species”*

Throsby Specific Policy

The following Policies need to be added

- *No development will occur within 100m of any tree in which breeding behaviour of the Superb Parrot has been observed (Figure 5.3 of the Plan),*
- *Protect known Superb Parrot nesting trees including exclusion fencing of the interface between Throsby East Reserve and the future urban area to limit pedestrian access points (Page 56 of Plan)*

These issues will all be resolved prior to the finalization of the recommended version of the variation.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 11 July 2014.

Thank you for the opportunity to review and provide comment on the draft variation to the Territory Plan, DV319, for proposed changes to the territory plan and overlays in the areas of Throsby, Jacka, Horse Park North, Taylor and Kinlyside. The proposed variation is supported in its current form.

It is understood that current land management practices and land uses, will remain unchanged. It should be noted that areas of environmental concern associated with rural activities may exist at these sites. These may include sheep dips, fuel storage and dispensing facilities, uncontrolled fill sites, waste disposal sites associated with municipal and chemical waste disposal, hazardous materials storage (eg. Pesticides/herbicides, lubricants etc.) and hazardous materials contained in building structures and fittings (eg. Asbestos, PCB's, lead etc.).

Under the precautionary principal areas impacted by these activities would be considered potentially contaminated and would be subject to assessment and audit should a future change in land use or redevelopment of the site be proposed.

In accordance with the ACT Government Strategic Plan Contaminated Sites Management, 1995 and the ACT Environment Protection Authority's Contaminated Sites Environment Protection Policy, 2009 the sites must be assessed for potential contamination, remediated as required and the findings of the assessments independently audited for prior to any future proposed change in land use. The site audit statements into site suitability must be reviewed and the findings endorsed by the EPA prior to the change of use.

Response

Noted.

Heritage Council

The Heritage Council provided the following comments on 7 July 2014.

Thank you for referring the above Draft Variation to the Territory Plan (DV319) to ACT Heritage (Heritage) for comment. Heritage understands DV319 is proposed in response to a request from the Economic Development Directorate as a result of the Gungahlin Strategic Assessment Biodiversity Plan. DV319 proposes the following: ...

The area of Jacka (north) subject to DV319 is inclusive of the Elm Grove Homestead Precinct. However, the rezoning proposal is sympathetic to the heritage values of the place. In addition, the area of Throsby subject to DV319 contains the partial curtilage of an Aboriginal heritage conservation zone. However, the rezoning proposal is also sympathetic to the heritage values of this area.

Heritage does not object to DV319.

Response

Noted.

Land Custodian – Territory and Municipal Services Directorate

The land custodian provided the following comments on 11 July 2014.

TAMS supports the proposed changes in the Territory Plan. However, we note that some of the changes may reduce the difficulty and cost of managing bushfires and others may make it more difficult and costly. Those details could only be assessed once detailed plans are developed.

Response

Noted. Bushfire matters can be addressed through the assessment of an Estate Development Plan.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan Map

Throsby

The Territory Plan Map is varied as shown in **Figure 11** for the areas shown as subject to this draft variation.

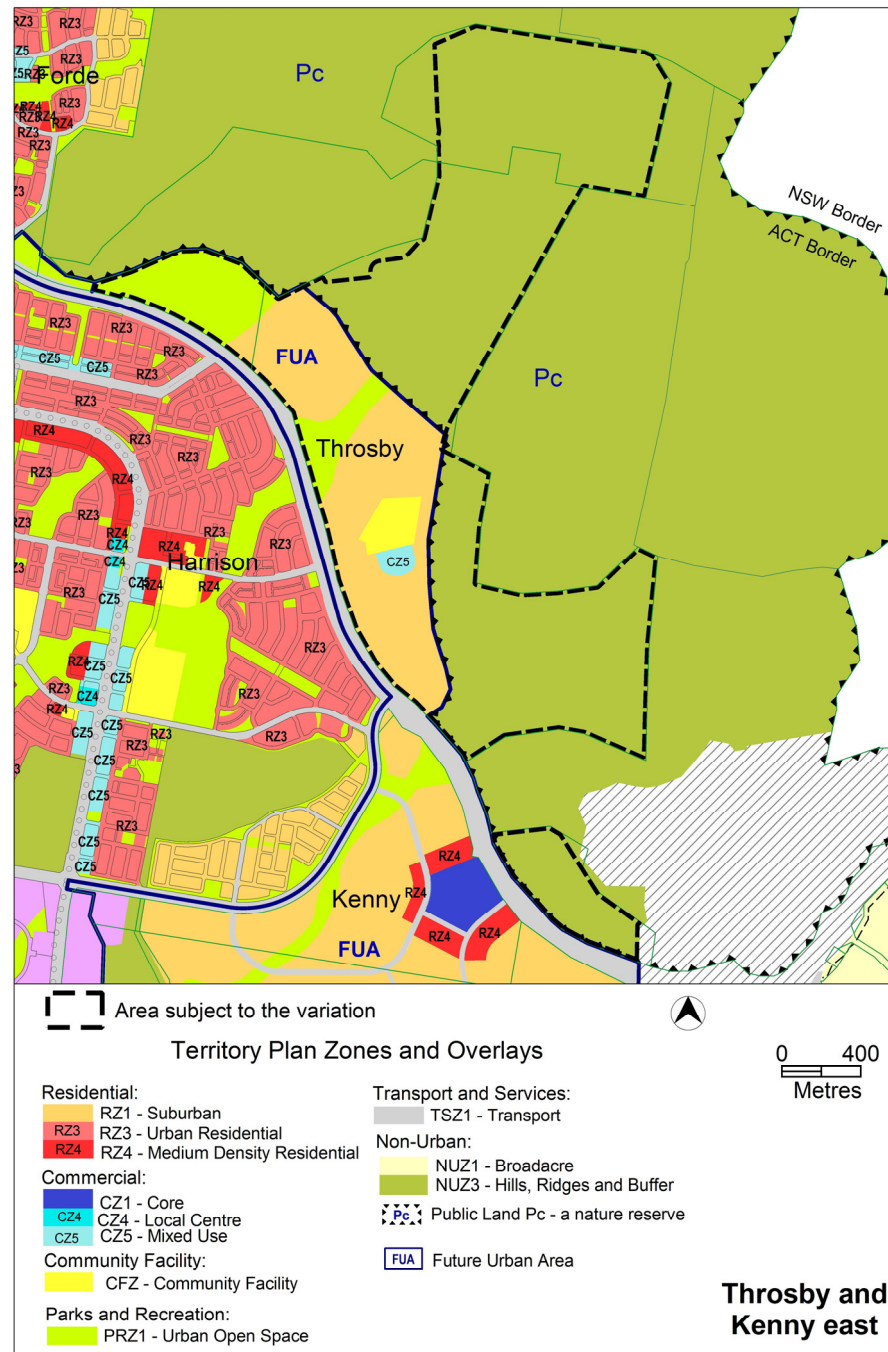


Figure 11 Proposed Territory Plan changes

Jacka (north)

The Territory Plan Map is varied as shown in **Figure 12** for the areas shown as subject to this draft variation.

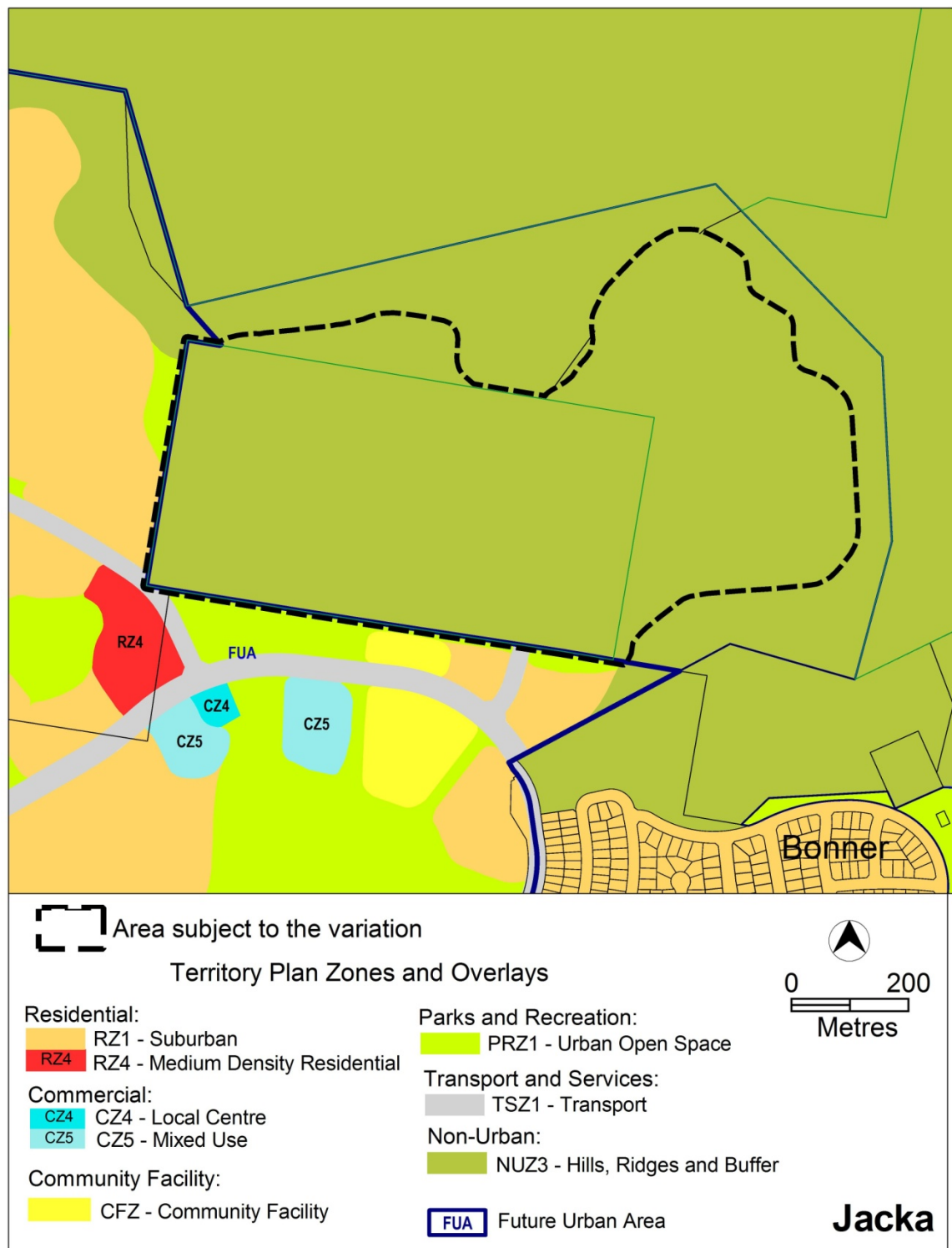


Figure 12 Proposed Territory Plan changes

Horse Park North

The Territory Plan Map is varied as shown in **Figure 13** for the areas shown as subject to this draft variation.

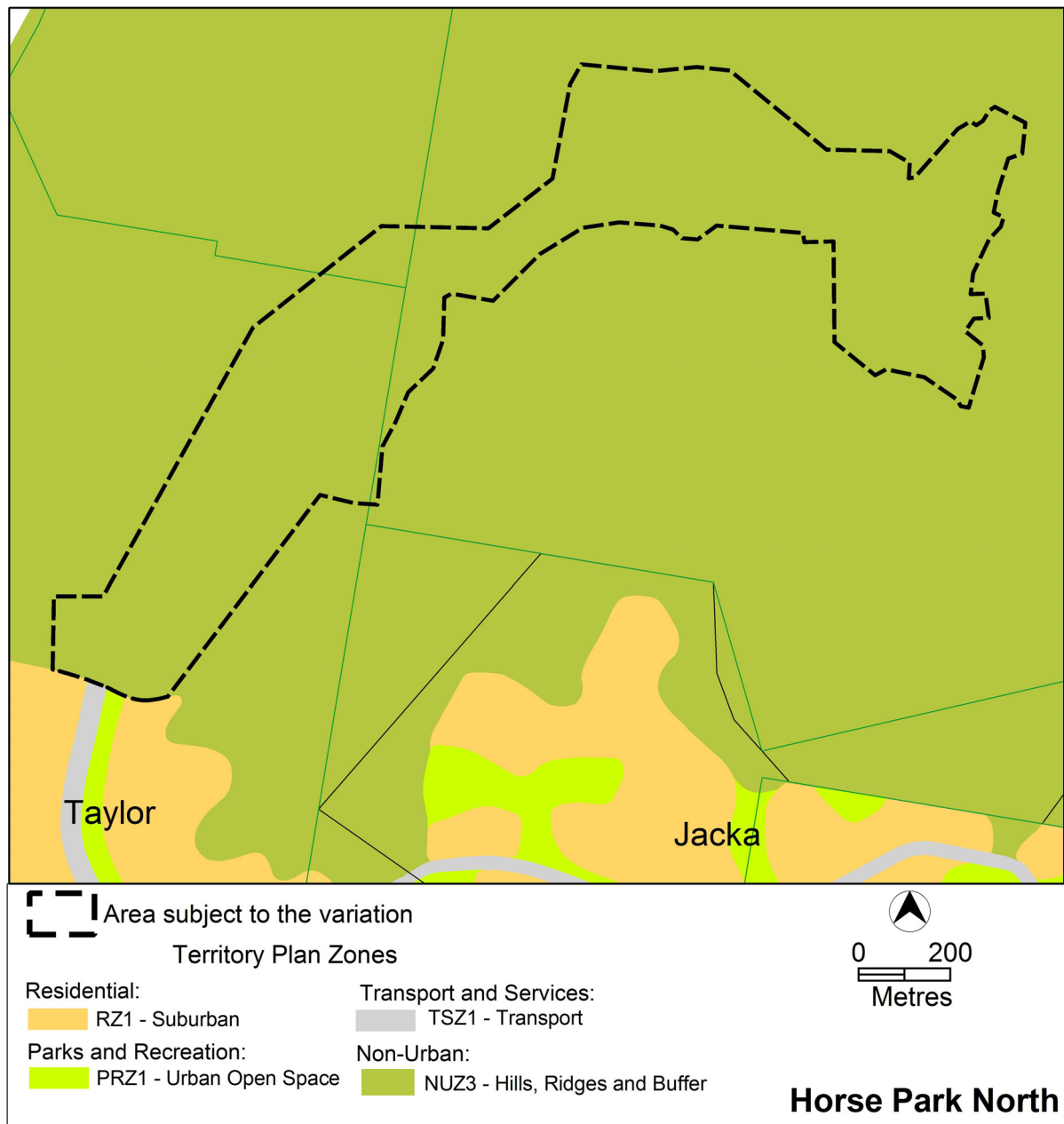


Figure 13 Proposed Territory Plan changes

Taylor

The Territory Plan Map is varied as shown in **Figure 14** for the areas shown as subject to this draft variation.

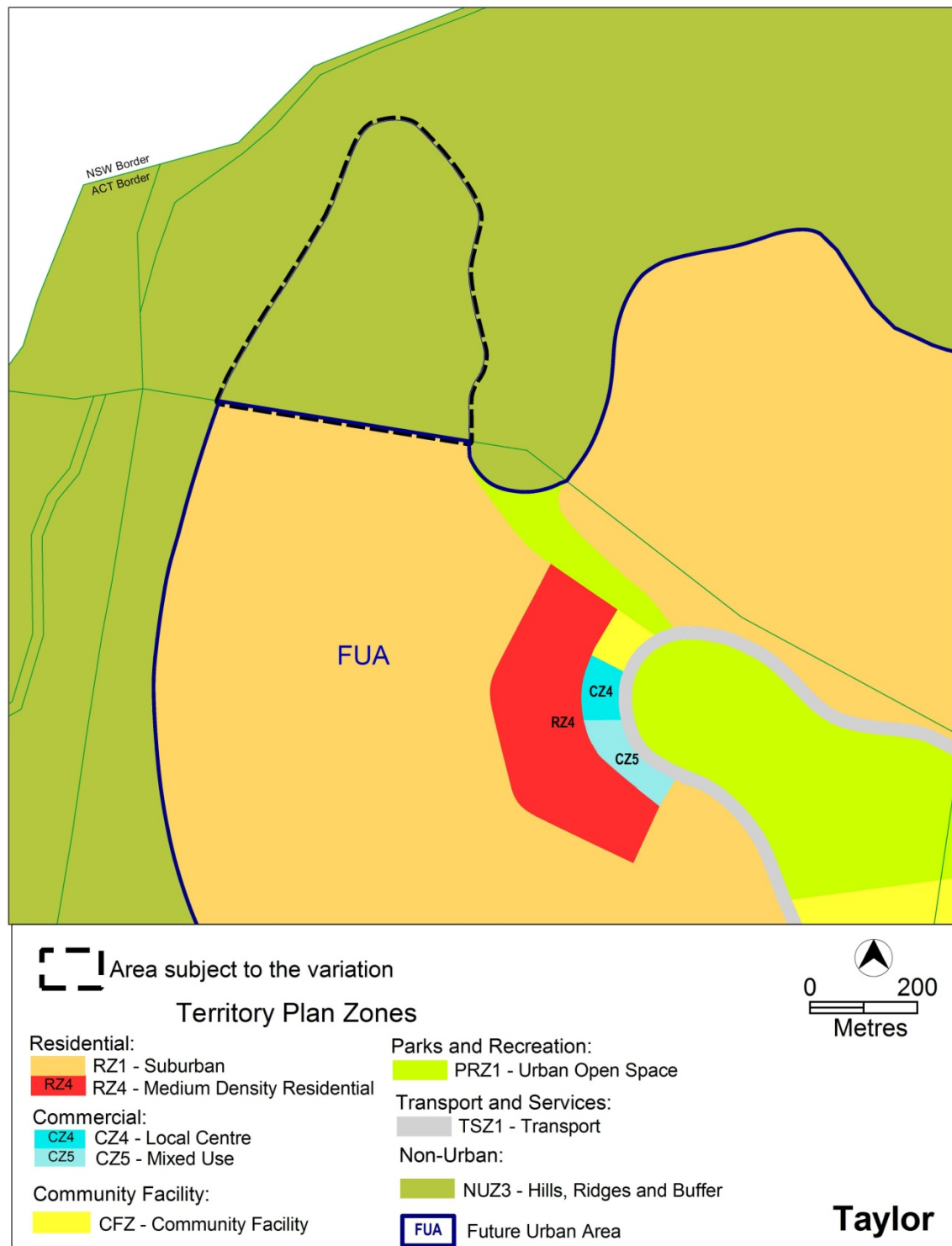


Figure 14 Proposed Territory Plan changes

Kinlyside

The Territory Plan Map is varied as shown in **Figure 15** for the areas shown as subject to this draft variation.

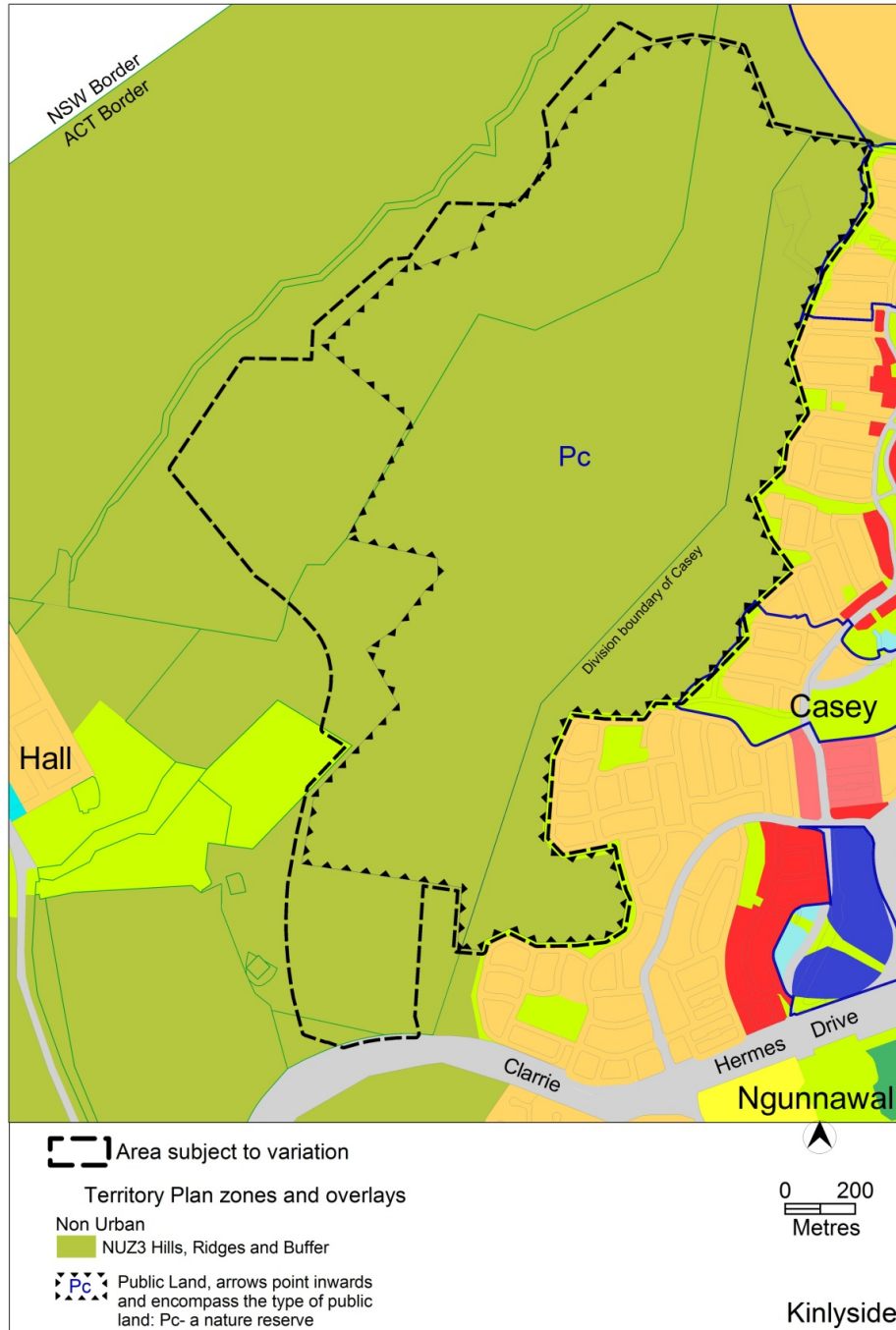


Figure 15 Proposed Territory Plan changes

3.2 Variation to the Territory Plan

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

1. At 14 Structure Plans

Substitute 14.8 East Gungahlin – Suburbs of Kenny, Throsby, Part Harrison and Gorooyaroo Nature Reserve (NI2008-27) with the amended East Gungahlin – Suburbs of Kenny, Throsby, Part Harrison and Gorooyaroo Nature Reserve (see [Appendix A](#))

2. At 15 Concept Plans – Precinct Codes for Section 93 of the Planning and Development Act 2007
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Insert Throsby Concept Plan (see [Appendix B](#))

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Structure Plan East Gungahlin

July 2014



Structure Plan

East Gungahlin

(including the suburbs of Kenny, Throsby, Part of
Harrison and
Goorooyarroo Nature Reserve)

Introduction

The following principles and policies were originally included in the repealed Territory Plan through Variation No 231 as the principles and policies for the development of the East Gungahlin, identified as 'defined land' in accordance with Subdivision 2.3.4 of the repealed *Land (Planning and Environment) Act 1991*.

To assist in understanding the original application of the principles and policies for the “defined land”, the area identified in this structure plan is the original “defined land” area. Over time, part of the former defined land areas was undefined through statutory processes. The remaining areas to which these principles and policies apply is now identified in the current Territory Plan map as a future urban area, pursuant to section 50(2)(a) of the *Planning and Development Act 2007* (the Act). This structure plan sets out the principles and policies that apply to the area in accordance with section 91 of the Act.

Concept plans may be prepared for all or part of the area subject to the structure plan.

Further information on the area subject to this structure plan can be found in the original Territory Plan Variation, available on the ACTPLA website.

1.1 Planning Principles for East Gungahlin

1.1.1 General

The general planning principles and policies for East Gungahlin are:

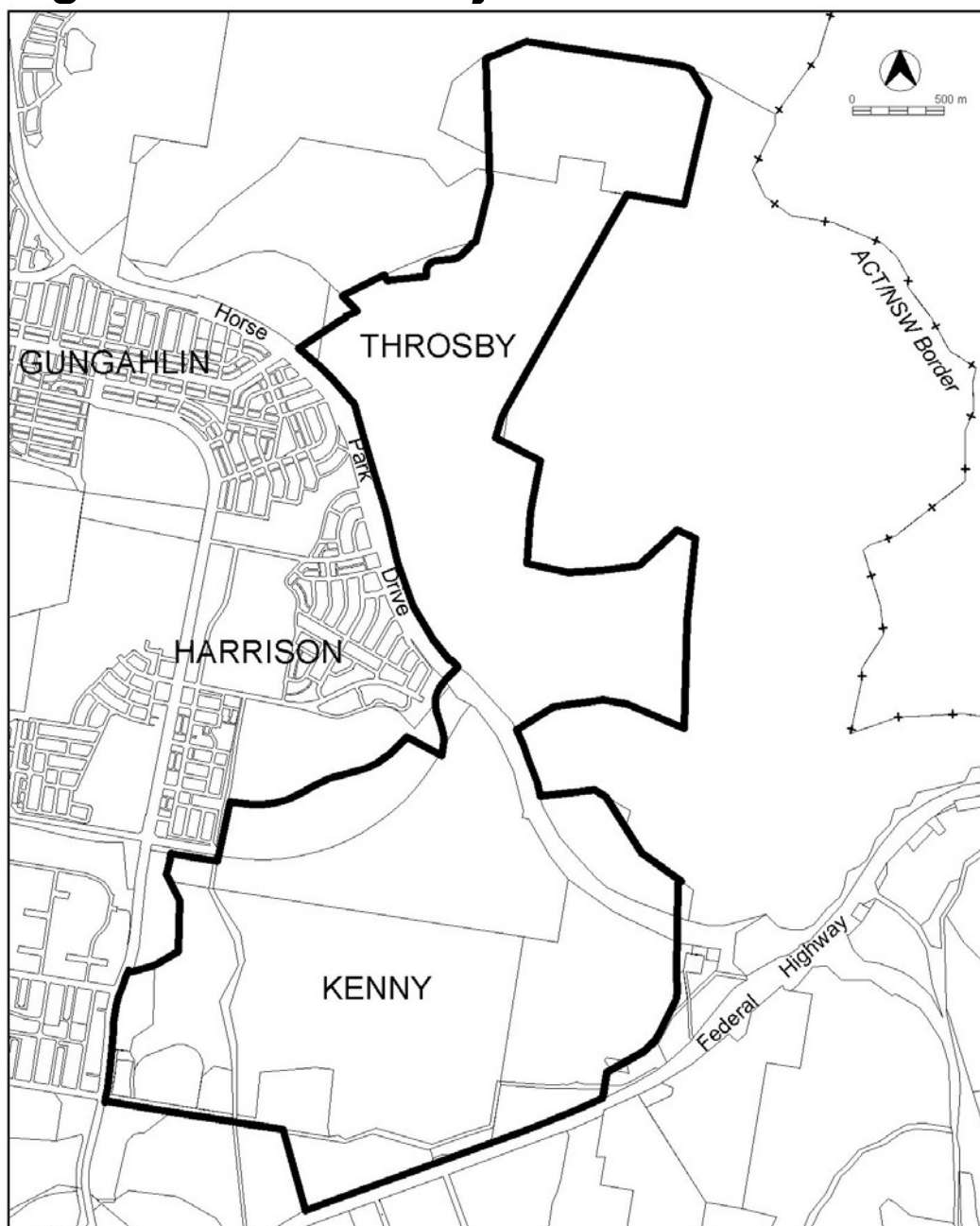
1. Development should be sustainable in terms of ecological, cultural, social and economic considerations.
2. Avoidance of development on lands that support core, well connected habitat of Matters of National Environmental Significance.
3. To ensure land uses adjacent to conservation areas do not have significant adverse impacts on threatened species.
4. The landscape setting and values of the site should be recognised and enhanced. Existing significant landscape features will be retained.
5. The local neighbourhood should be based on a walkable radius of 400m from an activity node, such as a local centre, park or community facility.
6. Residential areas should be arranged in a series of inter-connected suburbs, each with their own local centre, typically adjoining a primary school site and open space corridor.

Structure Plan East Gungahlin

July 2014

7. Mixed uses will be permitted adjacent to commercial centres and other key locations.
8. Group centres serving larger populations should be well located on major roads in order to serve a cluster of suburbs.
9. An integrated cycling route network should be created within and between communities consistent with national standards.
10. The open space network should connect key destinations such as local centres, group centres, schools, parks, community facilities, ovals, ponds and hilltop lookouts.
11. The road hierarchy should be clearly legible and provide good and safe access to all users.
12. The pattern of urban development should encourage high levels of public transport usage.
13. The links between sustainable urban water management and downstream ecological impacts on flora and fauna should be recognised. The potential for urban development to alter flow rates and degraded water quality should be addressed and appropriate sustainable urban water management measures adopted accordingly.
14. Aboriginal and European heritage places will be recognised and significant sites conserved in public open space where appropriate. Land uses adjacent to places to be conserved are not to have significant adverse impacts on the retention of the place.
15. Conservation area will be part of the overall landscape character of East Gungahlin. Strategies will be developed at the detail planning stage to protect the interface of conservation from urban development impacts.

Figure 2.1 Area Subject to the Structure Plan



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1.2 Principles and Policies for East Gungahlin

The broad principles set out below are to guide the development of East Gungahlin. Development is to be in accordance with these broad principles. However, all of these principles should have equal weighting and none should be pre-eminent or interpreted in isolation of the planning context determined by the suite of principles.

1.2.1 General Planning Principles and Policies

- a) To provide a series of connected, overlapping residential areas around a series of local centres, schools, community facilities and open space.
- b) To provide an urban structure that is simple, legible and flexible.
- c) To encourage a mix of land uses, including appropriate commercial, retail and other uses, which contribute to a diverse character.
- d) To maintain and enhance natural systems and protect key natural areas.
- e) To provide residential areas that are walkable, permeable and compact.
- f) To encourage development that is ecologically sustainable, and minimise pollution through design and technology of stormwater, wastewater, sewerage, traffic and other systems.
- g) To limit and discourage the use of non-renewable resources.
- h) To limit the consumption of energy and encourage the use of passive and active solar systems and energy efficient building design.
- i) To provide a variety of housing types to meet housing needs at the present time and in the future.
- j) To ensure housing densities support a viable, accessible, frequent and energy efficient public transport system.
- k) To develop a landscape that is sympathetic to the cultural and heritage values of the area and conducive to a variety of uses and natural experiences, with a character that retains the inherent site values and cultural associations.
- l) To create a landscape pattern that brings the open space network close to all urban development, providing access and amenity, and that correlates closely with the broader natural landscape setting.
- m) To maintain and create an open space system, which is representative of local natural environments, e.g. forest on protected hills, woodland on hill slopes, grassland on lowlands and wetlands in valleys and drainage lines.
- n) Appropriate plant selection for landscaping including consideration of incorporating landscaping species which will provide future connectivity, foraging or shelter opportunities to wildlife. Particular consideration to be given to enhancing connectivity and flight paths for species such as

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superb parrot which disperse south to the Belconnen District and Molonglo Valley.

1.2.2 Kenny and part Harrison

General Policies

- A. A commercial centre with adjoining higher density housing is to be developed in close proximity with Horse Park Drive.
- B. Edge roads to be utilised wherever possible as a buffer between residential development, urban open space, nature reserves, heritage precinct and other adjoining land uses.
- C. A local bus route is to be provided through the suburb via the commercial centre, areas of higher density and primary school site, encouraging public transport usage.
- D. Opportunities are to be provided for small-scale community facility sites in open spaces in convenient locations predominantly along public transport routes.
- E. Neighbourhood oval may be located adjacent to proposed Government Primary School.
- F. A water detention feature is required as part of Sullivan's Creek Drainage Study.
- G. Higher density and mixed-use residential areas will be located adjacent to the primary school.

Specific Policies

- 1.Existing drainage lines to contribute to linear park
- 2.Cultural and / or natural heritage sites are to be preserved within open space and provide a pedestrian/cycling underpass to urban areas of Kenny east of Horse Park Drive.
- 3.Cycleway/pedestrian link to be provided within open space.
- 4.Well Station Road (trail) and adjacent trees to be retained in open space.
- 5.Ensure Sandford Street extension to Federal Highway connection.

1.2.3 Throsby

General Policies

- A. Opportunity for commercial uses will incorporate and be adjacent to areas of higher density housing and community facilities sites. Higher density areas may include provision for mixed-use development.
- B. A local bus route to be accommodated through the suburb, areas of higher density and schools.
- C. Water detention features are required to be located within the natural drainage line in open space.
- D. Edge roads to be utilised wherever possible as a buffer between residential development, areas of open space and nature reserves.
- E. Provide an area for a community facility site.
- F. Government Primary school to be located centrally within the suburb.
- G. Opportunities are to be provided for small-scale community facility sites near or in open space in convenient locations.

Specific Policies

- 1. Road connections to the suburb to be from extensions of Anthony Rolfe Avenue and Well Station Drive.
- 2. Cultural natural and/or heritage sites are to be retained in open space.
- 3. Existing drainage lines to contribute to linear parks and combine pedestrian and cycleway links.
- 4. Areas of higher density housing to be located along major transport routes within the suburb.
- 5. Suitable site to be identified for District Playing Fields.
- 6. The land uses for the northern part of Throsby adjacent to Goorooyarroo and Mulligans Flat Nature Reserves will be confirmed closer to land release, following an assessment of the environmental values within the reserves.
- 7. All residential developments are to be surrounded by an edge road to minimise the requirements for bushfire hazard management, enhance passive surveillance and control invasive species.

Throsby Concept Plan

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Introduction

In May 2006 the ACT Government released the structure plan for East Gungahlin which included the suburbs of Throsby, Kenny, part Harrison and Goorooyaroo Nature Reserve. This area contains many matters of national environmental significance, including golden sun moth habitat, box gum woodland, and superb parrot nesting trees. In mid-2013 the ACT and Commonwealth governments finalised the Gungahlin Strategic Assessment which committed the ACT Government to protect environmental values by expanding nature reserves and consequentially reducing the urban area.

Due to the reduction in development area, Throsby will be a predominantly low density residential area with associated community facilities and the opportunity for convenience commercial uses in defined locations.

Application

This plan applies to land at **Throsby** in the district of Gungahlin, as shown on **Figure 1**.

Parts A and B of this plan apply only to the future urban area (FUA) of Throsby. The FUA will diminish in size as estate development plans are approved, and final zones established under part 5.5 of the *Planning and Development Act 2007*.

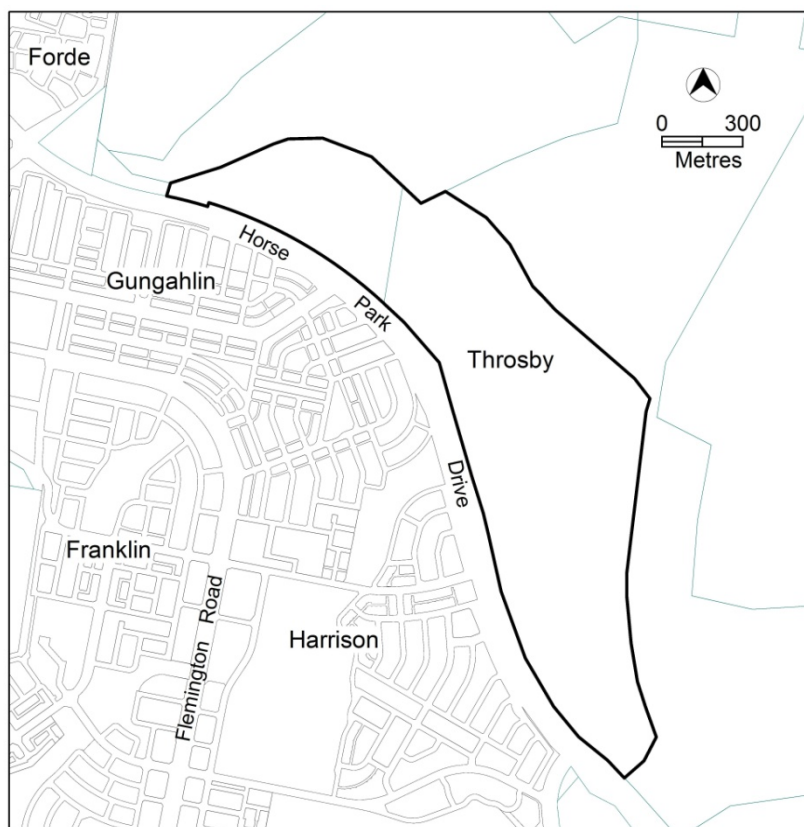


Figure 1: Location of Throsby in district of Gungahlin

Purpose

The purpose of this plan is to:

- a. guide the design and assessment of estate development plans (subdivision proposals) in Throsby
- b. inform the allocation of final zones at the time when a parcel of land ceases to be part of the future urban area following subdivision
- c. guide the development of individual blocks in concert with other relevant codes under the Territory Plan
- d. guide the development and management of the public domain
- e. ensure that planning and development is consistent with commitments made under the Gungahlin Strategic Assessment.

Desired planning outcomes

The purpose of the development controls (i.e. rules and criteria) is to:

- f. provide diverse housing zones, types and densities to meet the changing needs of the community
- g. allow for zoning to accommodate residential densities and building heights generally close to public transport routes and retail/commercial centres (where provided)
- h. provide for community facilities and opportunity for small scale convenience retail/commercial uses
- i. provide development types on the urban edge that minimise impacts on and provide opportunity to connect with ecological values within the nature reserve
- j. provide safe, compact, walkable residential precincts with convenient vehicular, pedestrian, cycle and public transport access to recreational, retail/commercial and community facilities
- k. encourage walking, cycling and the use of public transport
- l. retain significant elements of the site as part of the urban open space network that connects to adjacent suburbs with public access and high levels of amenity and safety
- m. provide for effective buffers between residential development and nature reserves
- n. ensure protection of areas or items of heritage significance
- o. provide a legible road network that integrates safe and adequate pedestrian and cycle access to the precinct and connectivity to adjacent areas including the suburb of Harrison and Kenny
- p. employ stormwater management measures
- q. minimisation of all impacts to adjacent reserved areas

Code hierarchy

This concept plan is a **precinct code** under the *Planning and Development Act 2007*.

More than one type of code may apply to a particular development proposal. Occasionally inconsistencies between the provisions arise, particularly where a precinct code seeks to apply special provisions in response to particular local circumstances or planning issues. Where this occurs, a **precinct code** prevails over a **development code** and a **general code**, but only to the extent of the inconsistency.

Part A – Land use

Rules	Criteria
1. Land use plan	
<p>R1</p> <p>Residential zones shown on a land use plan lodged with an <i>Estate Development Plan</i> are consistent with the Territory Plan map.</p>	<p>C1</p> <p>Residential zones achieve all of the following:</p> <ul style="list-style-type: none"> a) reasonable mix of zones to support diversity in housing type; b) increased density and building heights near the collector road; c) consistency with the desired planning outcomes.
<p>R2</p> <p>Community facility zone shown on a land use plan lodged with an <i>Estate Development Plan</i> is consistent with the Territory Plan map.</p>	<p>C2</p> <p>Community facility zone achieves all of the following:</p> <ul style="list-style-type: none"> a) adjacent to the collector road b) in close proximity to commercial mixed-use zone, if provided c) consistency with the desired planning outcomes.
<p>R3</p> <p>The area of land with community facility zone is 5 hectares.</p>	<p>C3</p> <p>Land for dedicated community uses makes provision for co-location of community uses in a highly-accessible area with one or more of the following:</p> <ul style="list-style-type: none"> a) educational establishment b) a community activity centre, c) residential care accommodation d) retirement village e) child care centre f) supportive housing <p>The minimum area of land is 3 hectares.</p>

<p>R4</p> <p>Parks and recreation (PRZ1 urban open space) zone shown on a land use plan lodged with an <i>Estate Development Plan</i> is consistent with Territory Plan map.</p> <p><u>Notes:</u> Gungahlin part Block 718, which is the proposed site of district playing fields, will be available for housing where all of the following is achieved:</p> <ol style="list-style-type: none"> support for the development from the Territory agency responsible for provision of sport and recreation facilities completion of a report prepared by a suitably qualified engineer and endorsed by the Territory endorsing the site is suitable for housing 	<p>C4</p> <p>Urban open space achieves all of the following:</p> <ol style="list-style-type: none"> retention of cultural heritage items opportunities for connectivity and flight paths for the superb parrot through the suburb to other nesting grounds in the ACT opportunities for pedestrian and cyclist paths that connect to existing networks in adjoining suburbs consistency with the desired planning outcomes.
<p>R5</p> <p>Where provided, Commercial (CZ5 mixed use) zone shown on a land use plan lodged with an <i>Estate Development Plan</i> is consistent with the Territory Plan map.</p>	<p>C5</p> <p>Where provided, Commercial (CZ5 mixed-use) zone achieves all of the following:</p> <ol style="list-style-type: none"> adjacent to the collector road with public transport capability high accessibility for pedestrians, cyclists and vehicles consistency with the desired planning outcomes. In close proximity to community facility zone.

Part B – Subdivision

Rules	Criteria
2. Dwelling yield	
<p>R6</p> <p>The dwelling yield is between 900 and 1500 dwellings.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
4. Nature reserve interface	
<p>R7</p> <p>Endorsement is provided by the Plan Implementation Team (PIT) advising compliance with the <i>Guidance on planning for Throsby</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
5. Movement network	
<p>R8</p> <p>Connections of the movement networks for pedestrian and cyclist is consistent with Figure 2.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

ADDITIONAL RULES AND CRITERIA

RC1 – Throsby residential estate

This part applies to blocks and parcels identified in area RC1 shown on Figure 3. RC1 shows a buffer area of 200 metres from the gas line in the Horse Park Drive road reserve.

Element 1: Use

Rules	Criteria
6. Safety management study	
<p>R9</p> <p>Where development includes one or more of the following uses.</p> <ul style="list-style-type: none"> a) <i>child care centre</i> b) <i>community activity centre</i> c) <i>COMMUNITY USE</i> d) <i>educational establishment</i> e) <i>retirement village</i> or aged care facilities f) <i>medium to high density residential</i> <p>Development complies with a plan prepared by a suitably qualified person and endorsed by the Territory agency responsible for regulation and safety of utilities.</p> <p>The plan will detail an assessment against the safety management study process and location classifications in accordance <i>Australian Standard AS2885.1 Pipelines – gas and liquid petroleum</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

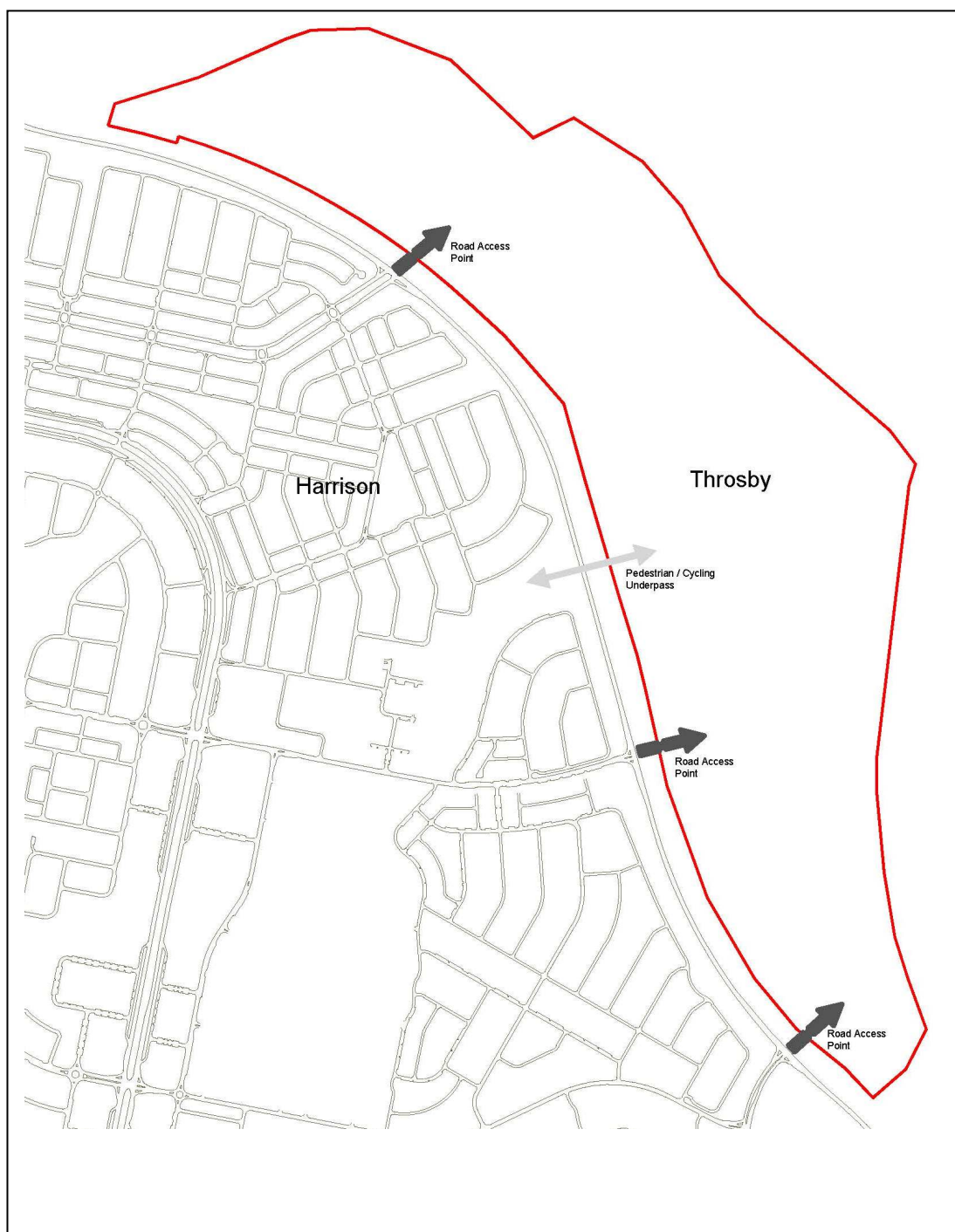
RC2 – Mixed use commercial

Note: The form of mixed use development in Gungahlin was established by Territory Plan Variation 130. It was translated into the current version of the Territory Plan (2008) as Gungahlin-specific planning controls for mixed use commercial and residential development. Controls on mixed use development will be included in the Throsby concept plan only if commercial CZ5 mixed-use zoned land is confirmed in Throsby.

Element 1: Use

Rules	Criteria
7. Ground floor use	
<p>R10</p> <p>One or more of the following uses are not permitted above the ground floor:</p> <ul style="list-style-type: none"> a) <i>COMMUNITY USE</i> b) <i>craft workshop</i> c) <i>indoor entertainment facility</i> d) <i>indoor recreation facility</i> e) <i>NON RETAIL COMMERCIAL USE</i> f) <i>restaurant</i> g) <i>SHOP</i> 	<p>C10</p> <p>Noise generating uses are located to minimise impacts on residential or commercial accommodation.</p>
8. Ground floor use – floor area limit	
<p>R11</p> <p>Where development includes one or more of the following:</p> <ul style="list-style-type: none"> a) <i>COMMUNITY USE</i> b) <i>craft workshop</i> c) <i>indoor entertainment facility</i> d) <i>indoor recreation facility</i> e) <i>NON RETAIL COMMERCIAL USE</i> f) <i>restaurant</i> g) <i>SHOP</i> <p>the maximum gross floor area per establishment or tenancy is 200m².</p>	<p>C11</p> <p>The scale of leisure, recreation, community and commercial activities included with residential development achieves all of the following:</p> <ul style="list-style-type: none"> a) ancillary to <i>RESIDENTIAL USE</i> b) services the local residents only
9. Number of storeys	
<p>R12</p> <p>The maximum number of <i>storeys</i> is 3.</p>	<p>C12</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) compatibility with the desired character b) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i> <p>The maximum number of storeys is 4.</p>

Figure 2: Connections for movement networks



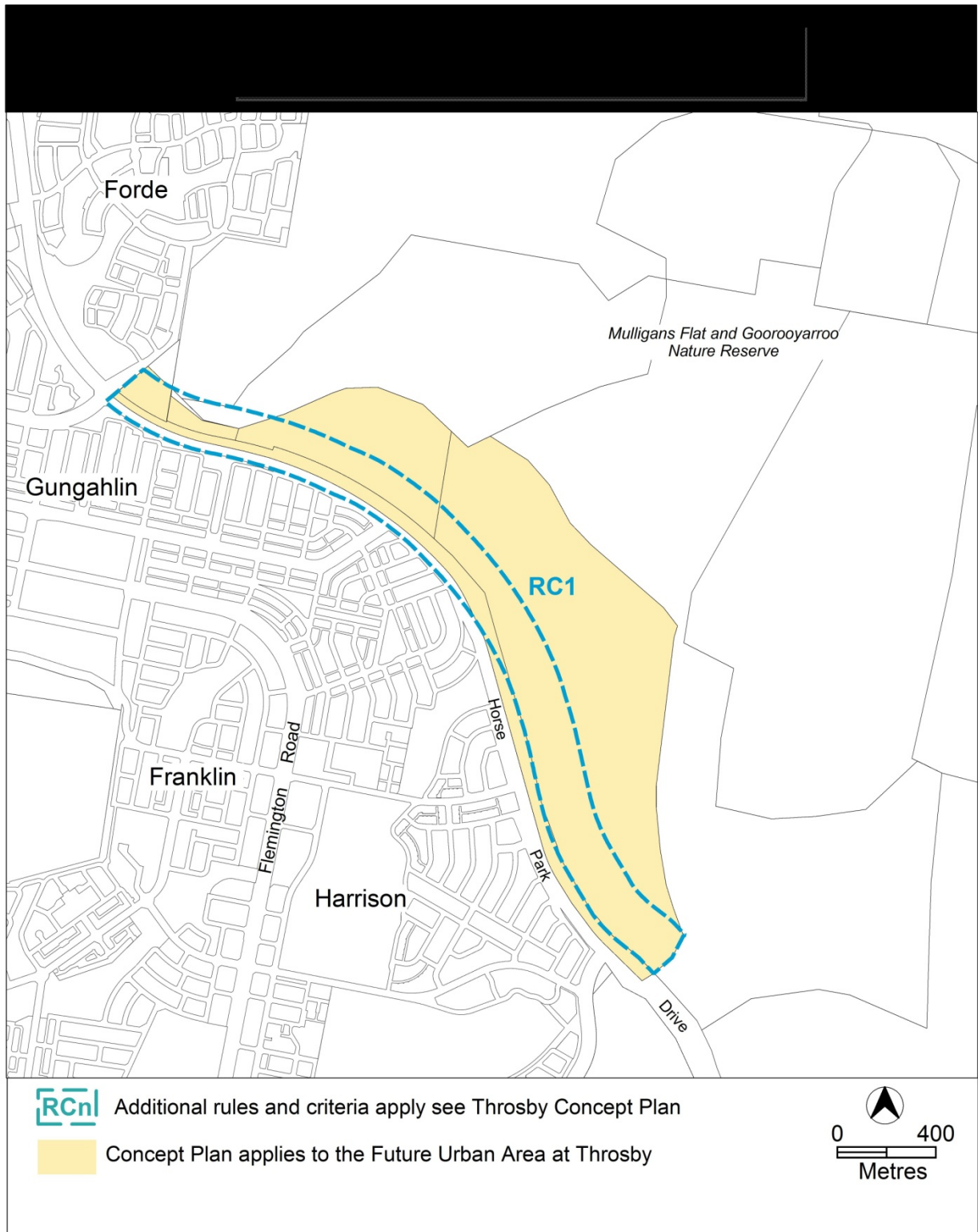


Figure 3