

Australian Capital Territory

Planning and Development (Plan Variation No 293) Notice 2008

Notifiable Instrument NI2008–219

made under the

Planning and Development Act 2007, section 76(3)

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 293) Notice 2008*.

2 Plan Variation No 293

On 22 April 2008, the Minister for Planning approved a draft of the attached plan variation under s 76 (3).

Neil Savery
Delegate of the
Planning and Land Authority
11 June 2008



**ANNEXE A
FINAL VARIATION**

Planning and Development Act 2007

Variation to the Territory Plan No. 293

**CZ6 LEISURE AND ACCOMMODATION ZONE
AMENDMENTS TO CZ6 DEVELOPMENT
TABLES AND CZ6 DEVELOPMENT CODE
TO ALLOW RESIDENTIAL USE ON
BLOCK 1 SECTION 34 NARRABUNDAH**

APRIL 2008



Table of Contents

1.	EXPLANATORY STATEMENT	2
1.1	Background	2
1.2	Planning System Reform	3
1.3	Site Description	3
1.4	Territory Plan Zones Map	5
1.5	Changes to the Territory Plan	5
1.6	Consultation on the Exhibited Draft Variation	6
1.7	Revisions to the Draft Variation	6
2.	VARIATION	7
2.1	Variation to the Territory Plan Volume 1	7

1. EXPLANATORY STATEMENT

1.1 Background

The draft Variation proposed to amend the Territory Plan Map and Territory Plan Volume 1 to allow residential use on Block 1 Section 34 Narrabundah within the Commercial CZ6 Leisure and Accommodation Zone with associated site specific controls in the CZ6 Leisure and Accommodation Zone Development Code.

Note: under the previous Territory Plan provisions, the draft Variation proposed to amend the Territory Plan Map and Written Statement to include Block 1 Section 34 Narrabundah within the 8K Area Specific Policy of the Entertainment, Accommodation and Leisure (EAL) land use policies, to allow for residential use. These have been translated into the new Territory Plan format and into the equivalent CZ 6 Leisure and Accommodation Zone. The amendments to the CZ Zone relating to the subject block correspond to the provisions under the previous Territory Plan, as the new Territory Plan document is essentially policy neutral.

The site was first developed as a motor inn in the 1960s at a time when Jerrabomberra Avenue was the main road linking Canberra to Cooma and other destinations south of the ACT. Originally the motel was intended to cater for budget accommodation for the visitors to Canberra in an area that was considered as a gateway to southern Canberra. This was considered a suitable location at the time for a motel development, as it was visible to passing interstate traffic. However, once the Monaro Highway was built in the 1980s as the main route between Canberra and Cooma, the viability and location of the motor inn as an interstate stop-over changed considerably.

The motel complex comprises of single and double storey buildings and a manager's residence and has been in the current ownership since 1997. There are 57 rooms in the complex with a dining room and office and parking for 60-70 cars on site. The Planning Study that was prepared to support the proposal indicates that the current occupancy rate is 40 percent.

The initial proposal presented in the Planning Study lodged with the Authority by the proponent in 2006 consisted of a residential development with 69 dwellings in a combination of two and three storey townhouses and three storey walk-up units with a plot ratio of 0.8:1. The Authority did not support the proposal for various reasons, including a concern that the density and height of the development was incompatible with the surrounding developments.

The proponents lodged a revised concept plan in August 2007, which proposed a reduced height and density. The Authority in considering the revised proposal, agreed to prepare a draft variation to the Territory Plan to allow residential use on the site, with a maximum building height of two storeys. The retention of the CZ6 Zoning will allow the opportunity to redevelop the site for residential use while maintaining the flexibility of any of the uses permitted in the CZ6 Zone.

The revised development proposal will consist of approximately 40 townhouses, with a maximum plot ratio of 65% and maximum height of two storeys. All resident car parking generated by the development and all visitor car parking will be provided within the site.

1.2 Planning System Reform

A project by the ACT Government aimed at streamlining the planning system in the ACT is largely complete. A new legislative framework for the planning system is provided by the *Planning and Development Act 2007* (the P&D Act) which commenced on 31 March 2008. The P&D Act replaces the *Land (Planning and Environment) Act 1991* (the Land Act) and the *Planning and Land Act 2002*.

Another key part of the Government's planning system reform is the restructuring of the Territory Plan which also commenced on 31 March 2008. The new Territory Plan features a system of zones and precincts that are reflected in the Territory Plan map. The P&D Act includes transitional provisions for variations that were initially prepared and released under the Land Act. These provisions enable the Territory Plan variation process to continue after the commencement of the new legislation.

The draft variation has been revised to ensure that it is consistent with the new Territory Plan and legislative requirements. The intention to make such revisions was disclosed in the exhibited version of the draft variation.

1.3 Site Description

The site is located at the south-eastern corner of the intersection of Jerrabomberra Avenue and Goyder Street in the suburb of Narrabundah. The suburb is in Canberra's Inner South, approximately 6.5km from the city centre, 5.5km from the Woden Town Centre, and within a few kilometres to the Fyshwick industrial estate, Manuka and Kingston Group Centres and a range of other amenities. It is also in close proximity to other commercial and community facilities and services such as local shops, schools, health and childcare, clubs and churches.

The subject site has an area of approximately 9000m². Immediately adjacent properties include Block 12, which shares a common boundary to the south and is currently vacant, and to the east is Boomanulla Oval, which includes sports grounds and a small community/function centre. Boomanulla Oval is managed by the Aboriginal Sporting and Recreation Corporation. Goyder Street to the north of the property consists mostly of suburban detached housing. At the south western corner of Jerrabomberra Avenue and Goyder Street, on the opposite side of the site are a grouping of two storey buildings comprising residential apartments, commercial accommodation and a motel.

Block 9 Section 34 Narrabundah is the narrow strip of Territory owned land directly to the north of the subject site and is currently grassed with a number of small ornamental deciduous trees on this block. There are significant trees planted within the adjacent road reserve of Goyder Street. No access from the subject site to Goyder Street is proposed.

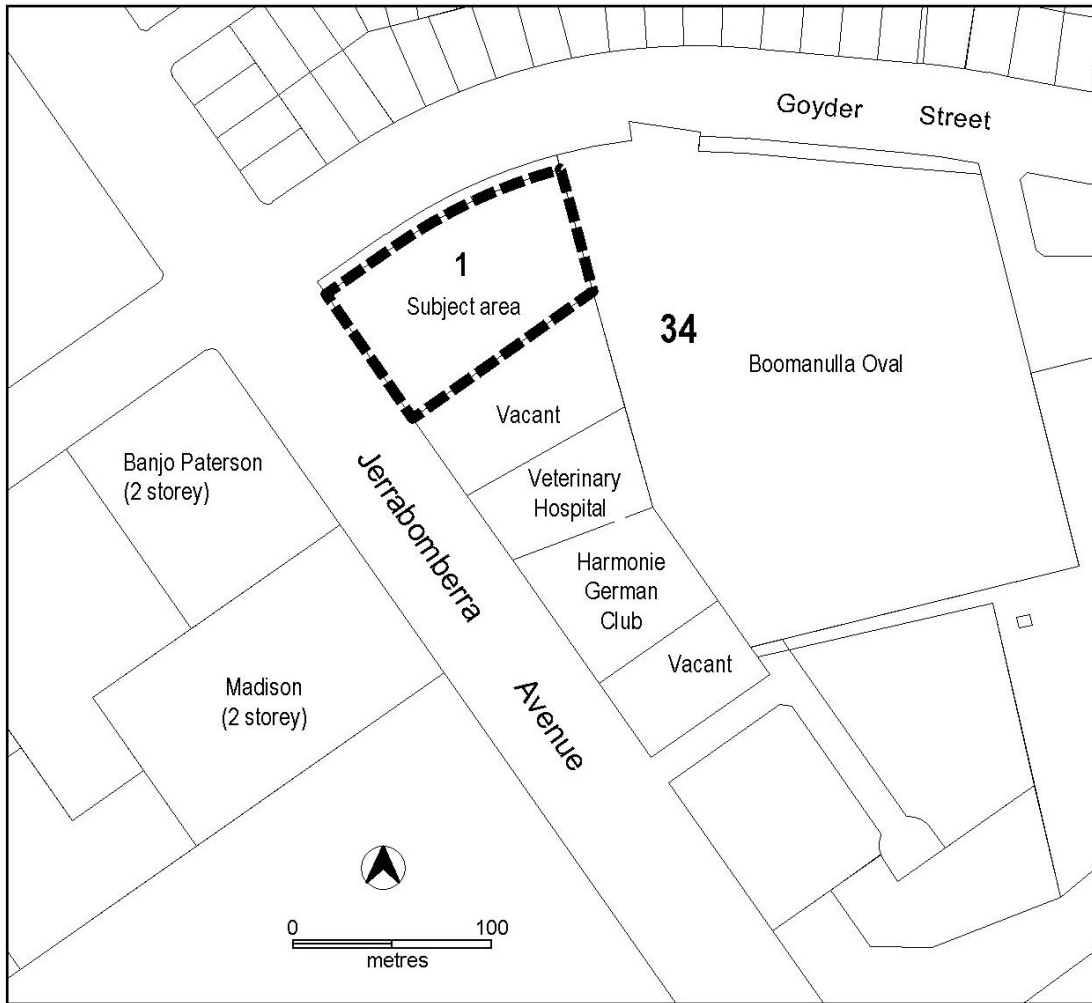


Figure 1.1 Site Plan (Block 1 Section 34 Narrabundah)

1.4 Territory Plan Zones Map

The Territory Plan Map zone for the area subject to this variation is shown in **Figure 1.2**.

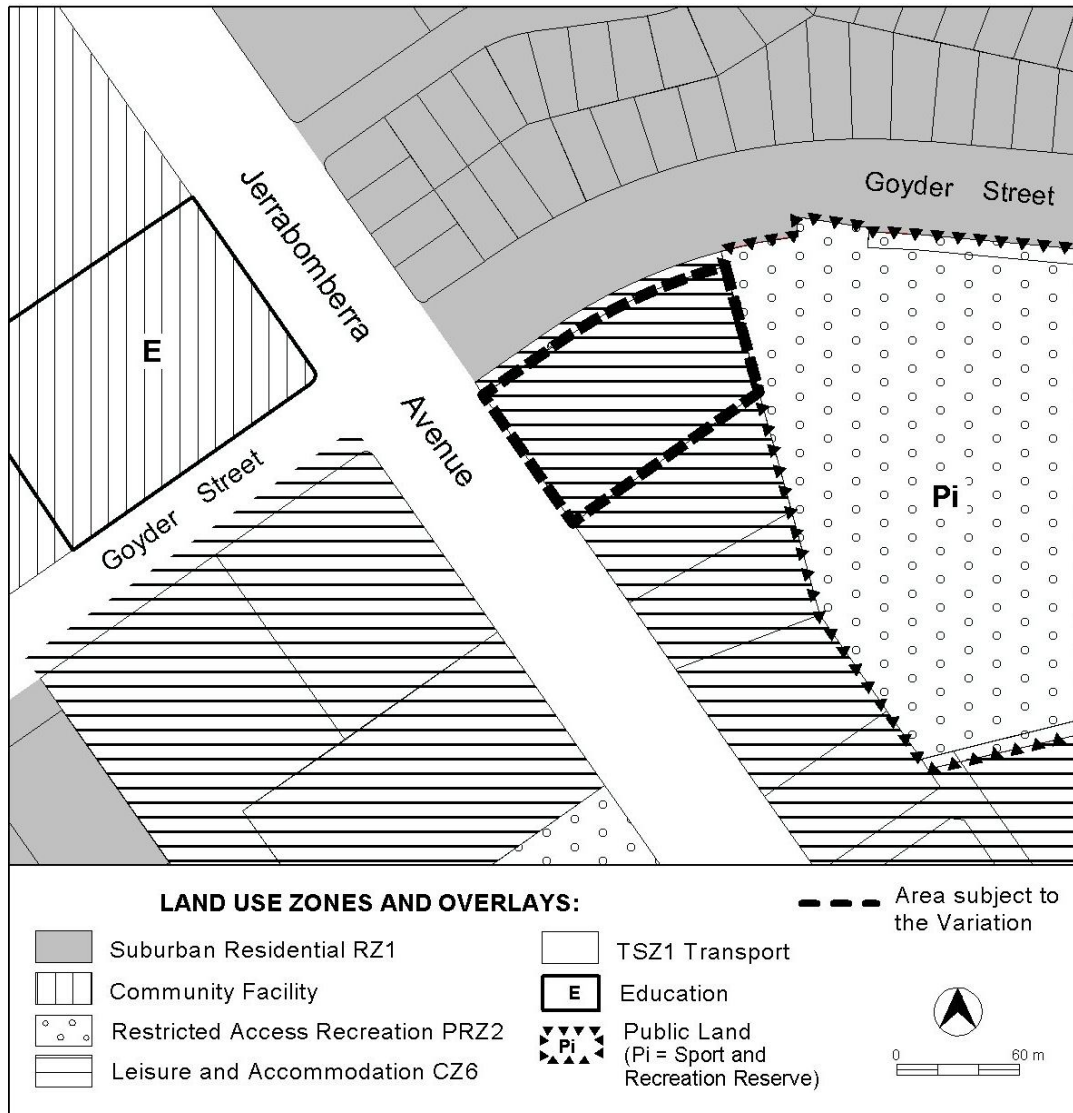


Figure 1.2 Territory Plan Zones Map

1.5 Changes to the Territory Plan

To implement the changes to allow residential use on Block 1 Section 34 Narrabundah, it is necessary to vary the Territory Plan Volume 1 Zone Development Table and Zone Development Code for the Commercial CZ6 Leisure and Accommodation Zone.

These are detailed in Section 2 of this document.

1.6 Consultation on the Exhibited Draft Variation

The draft Variation was released for public comment on 2 November 2007 and a consultation notice under section 19(1) of the *Land (Planning and Environment) Act 1991* was published in the ACT Legislation Register on 2 November 2007, in the Canberra Times on 3 November 2007 and in the Chronicle on 6 November 2007.

Written comments were invited by 17 December 2007 and a total of two (2) written submissions were received from the public as a result of the consultation process.

Main issues raised by submitters related to:

- Fate of remaining blocks in Section;
- Important role of Crestwood Motel in the city;
- Future development plans not provided to public;
- Appendix III.3 Urban Housing Code inappropriate;
- Noise issues – Boomanulla Oval;
- Traffic issues;
- Social issues;
- Lack of consultation; and
- Negative flow-on effects.

These issues were addressed in the ‘Report on Consultation’ that was prepared by the Authority in conjunction with the final Variation.

1.7 Revisions to the Draft Variation

After analysis of the comments received during the Draft Variation consultation period and the imminent transition to the new Territory Plan format and P&D Act, the following changes have been made to the exhibited draft Variation:

- The final Variation has been reformatted to incorporate the terminology and references to zones as per the new Territory Plan but maintaining the policy intent of the redevelopment proposal as provided in the draft Variation document;
- Reference in the draft Variation to Appendix III.3 – The Urban Housing Code has been removed as this document will cease to exist under the new Territory Plan. The controls contained in the Urban Housing Code have been translated and incorporated into the Residential Zones – Multi Unit Housing Development Code at Part C(3).

2. VARIATION

2.1 Variation to the Territory Plan Volume 1

2.1.1 Changes to CZ6 Leisure and Accommodation Zone Development Table

- In the MINIMUM ASSESSMENT TRACK MERIT table insert a new row entry (in alphanumeric order) above Narrabundah Section 34 Blocks 12 and 13 to read as follows:

Narrabundah Section 34 Block 1 (Figure 5)	Habitable suite	CZ6 Leisure and Accommodation Zone Development Code Home Business General Code Residential Zones Single Dwelling Housing Development Code Residential Zones Multi Unit Housing Development Code
	Home business	
	Relocatable unit	
	RESIDENTIAL USE	

- Amend and replace **Figure 5 Narrabundah** with the following figure to include Block 1 Section 34 Narrabundah.

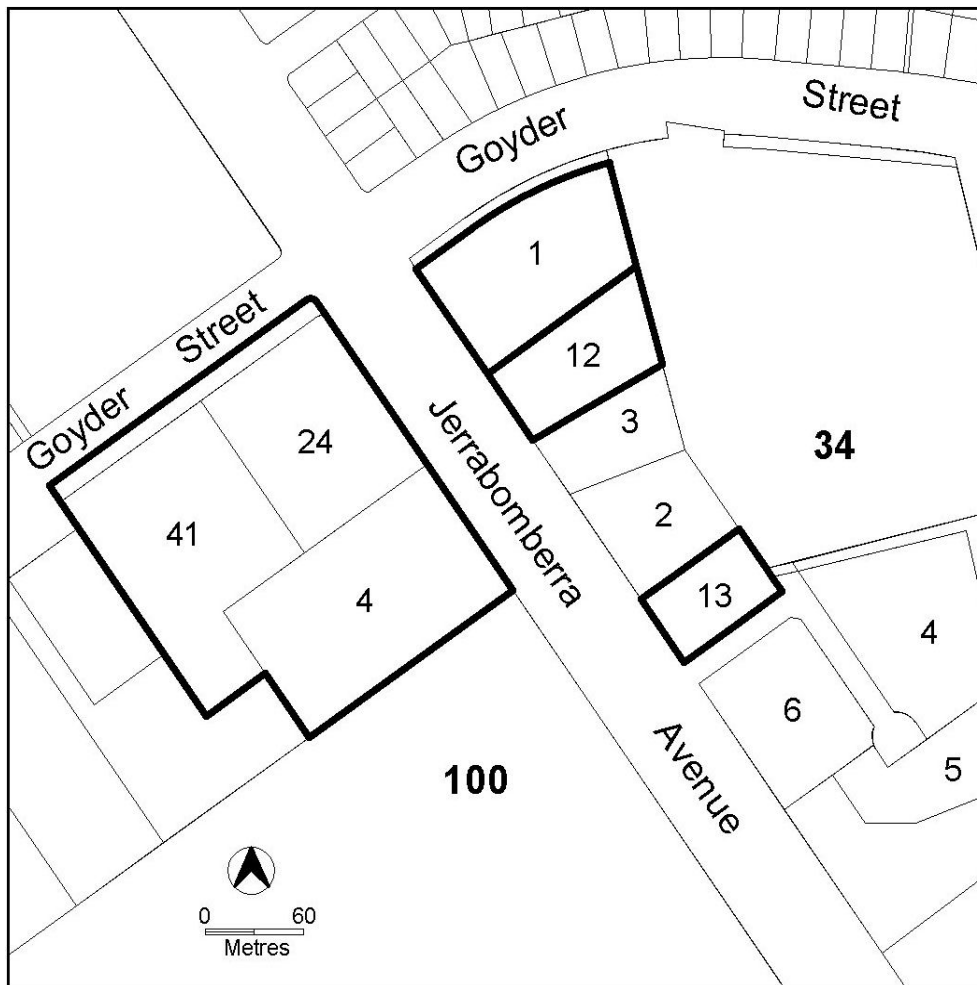


Figure 5 Narrabundah

2.1.2 Changes to CZ6 Leisure and Accommodation Zone Development Code

At **Part B – Site Specific Development Controls**, under **Element 1: Restrictions on Use**, introduce Item 1.4 to read as follows:

1.4 Narrabundah Section 34 Block 1	
R55a Where permitted, all multi-unit housing is designed to comply with Part A(3) – RZ3 – Urban Residential Zone, Part B and Part C(3) of the Residential Zones - Multi Unit Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.

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 τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna t'interpretu, ċempel:
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:

TRANSLATING AND INTERPRETING SERVICE
131 450
Canberra and District - 24 hours a day, seven days a week