

Planning and Development (Draft Variation Number 307) Consultation Notice 2011

Griffith section 42 block 15—change of zoning from commercial CZ6 leisure and accommodation zone to RZ4 medium density residential zone

Notifiable instrument NI2011—18

Made under the

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

Draft Variation No. 307 to the Territory Plan (see ***Annexure A***) proposes to rezone land at Austin Street Griffith (section 42 block 15) from commercial CZ6 leisure and accommodation zone to RZ4 medium density residential zone to allow for medium density housing up to 3 storeys in height.

You can get copies of draft variation documents:

- online at www.actpla.act.gov.au/territoryplan
(note free internet access is available at ACT public libraries)
- at ACTPLA's customer service centre, 16 Challis Street, Dickson during business hours.

Written comments from the public are invited by **COB Tuesday 15 March 2011**.

Comments should include reference to the draft variation, a return postal address and be addressed to Manager, Development Policy Section.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to ACTPLA, GPO Box 1908, Canberra ACT 2601
- delivered to ACTPLA's customer service centre at the above address

Copies of comments received will be made available for public inspection via ACTPLA's website and at ACTPLA's customer service centre in Dickson during business hours for no less than 15 working days after the closing date.

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

Neil Savery
Delegate of the ACT Planning and Land Authority

21 January 2011



Planning & Development Act 2007

Draft Variation to the Territory Plan Number 307

Griffith, Section 42 Block 15 - Change of zoning from commercial CZ6 leisure and accommodation zone to RZ4 medium density residential zone

January 2011



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1. INTRODUCTION

1.1 Summary of the proposal

The intention of the draft variation is to change the zone of the land from commercial CZ6 leisure and accommodation to the residential RZ4 medium density residential zone to allow for medium density housing up to 3 storeys in height.

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 ACT Planning and Land Authority (ACTPLA) as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary.

The Territory Plan is comprised of the written statement and a map. The written statement contains a number of parts, namely Governance; Strategic Directions; Zones; 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 ACTPLA submits a report on consultation and a recommended final variation to the Minister for Planning for approval. The Minister has the discretion to determine if referral to the Legislative Assembly Standing Committee on Planning, Public Works and Territory and Municipal Services 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

Comments from the public are invited on the draft variation. Subject to consideration of responses received, ACTPLA proposes to submit this draft variation to the Minister for Planning in accordance with the Act.

The documents relating to this draft variation may be obtained from

- www.actpla.act.gov.au/territoryplan (via the link to Draft variations to the Territory Plan)
- ACTPLA's Customer Service Centre, 16 Challis Street, Dickson between 8:30am and 4:30pm weekdays

Note that free internet access is available at all ACT Public Libraries.

Written comments from the public are invited on the draft variation by **COB Tuesday 15 March 2011**. Comments should include reference to the draft variation, a return postal address and be addressed to Manager Development Policy Section.

Comments may be submitted via

- terrplan@act.gov.au
- GPO Box 1908, Canberra ACT 2601
- ACTPLA's customer service centre at the address above

Copies of all written comments received from the public will be made available for public inspection via ACTPLA's website and at the ACTPLA's Customer Service Centre, Dickson for a period of not less than 15 working days after the closing date listed above.

2. EXPLANATORY STATEMENT

2.1 Background

Brumbies Rugby requested the ACT Planning and Land Authority (ACTPLA) to undertake a draft variation to the Territory Plan to rezone land at Austin Street, Griffith (section 42, block 15) from the commercial CZ6 leisure and accommodation zone to the RZ4 medium density residential zone.

The site is adjacent to the Brumbies' training ground, Griffith oval no.1. Brumbies Rugby originally proposed to upgrade the oval and to build a new headquarters on the Griffith oval site. However, due to the heritage values of Griffith oval this proposal was not supported by ACTPLA. Accordingly, Brumbies Rugby intends to vacate the Griffith site altogether and is seeking to rezone and redevelop Griffith, section 42, block 15 for residential purposes.

ACTPLA, in consultation with the relevant ACT Government agencies, evaluated the planning report prepared by Brumbies Rugby in support of the proposal and has agreed to proceed with the preparation of this draft variation to the Territory Plan DV307. The planning report can be accessed at the ACTPLA website via www.actpla.act.gov.au/brumbiesplanningreport.

The commercial CZ6 leisure and accommodation zoning of the land reflects the previous use of the site as the Canberra South Bowling and Recreation Club. However, the CZ6 zone provides for a range of uses above and beyond the previous use of the site including indoor entertainment and recreation facilities, clubs, drink establishments, restaurants and commercial accommodation (such as hotels, motels serviced apartments and tourist resorts). Many of these uses can be accommodated within other commercial zones in nearby Manuka and Kingston.

The Canberra South Bowling and Recreation Club utilised the site until 1998, when by mutual arrangement the bowling club provided Brumbies Rugby with training and administrative facilities on the site. This continued until 2007 when the bowling club went into voluntary administration and in 2008 the site was sold to Brumbies Rugby. At that time, bowling activities were relocated to Canberra West and Forrest Bowling Clubs.

Brumbies Rugby has been the sole occupier of the site since then and it is currently used as the Brumbies Rugby headquarters and part of its training centre.

2.2 Site description

The site (**Figure 1**) is located at Austin Street, Griffith section 42, block 15. The site is surrounded on three sides by open space with Captain Cook Crescent to the east, La Perouse Street to the west and an open space corridor to the north. To the south across Austin Street are Wells Gardens and residential dwellings.

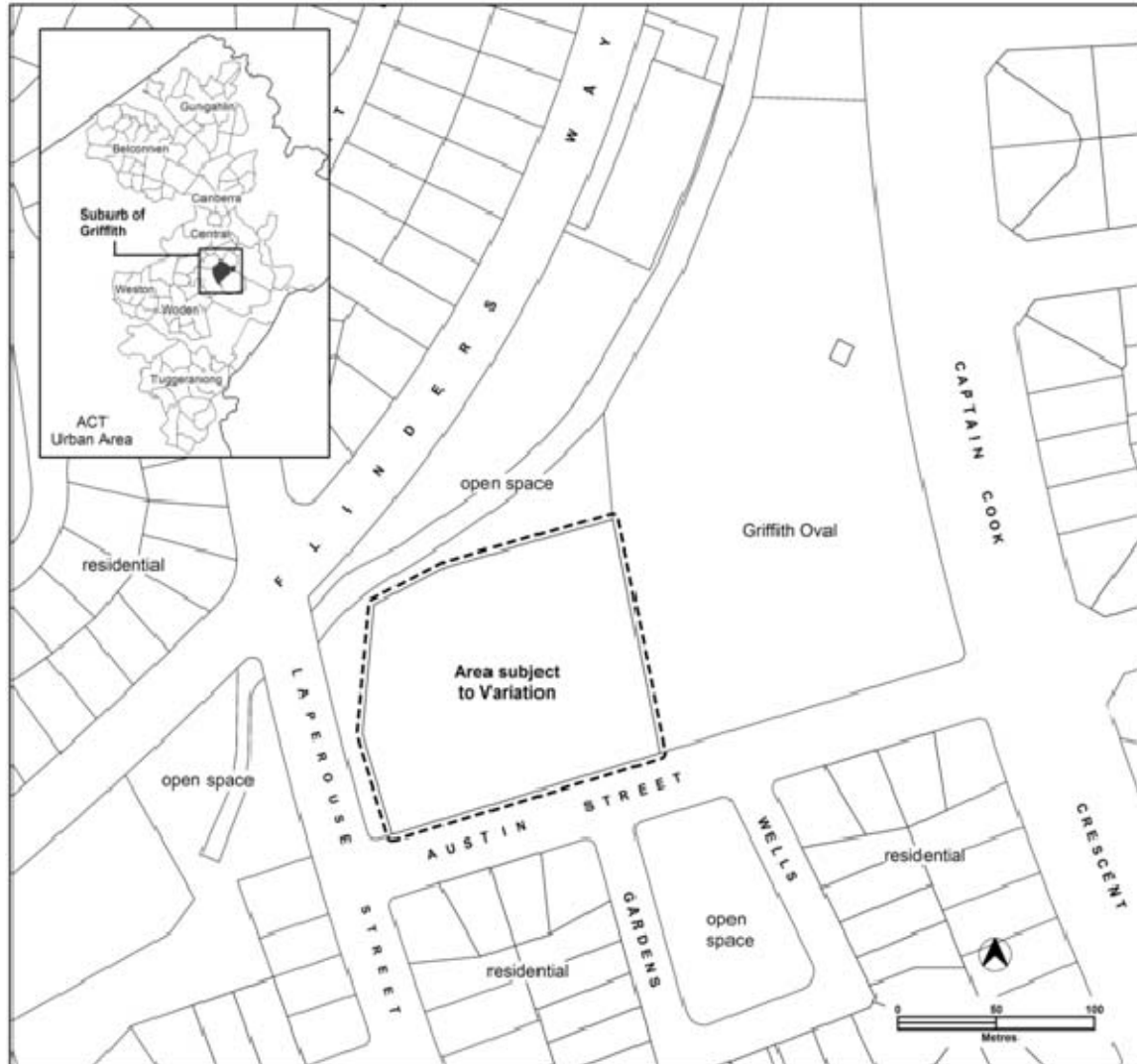


Figure 1: Location of the site and surrounding uses.

2.2.1 Current Territory Plan Provisions

The Territory Plan Map zone for the area subject to this variation is shown in **Figure 2**. The site is surrounded on three sides by the parks and recreation PRZ1 urban open space zone. To the south across Austin Street the land is partly PRZ urban open space zone and partly residential RZ1 suburban zone.

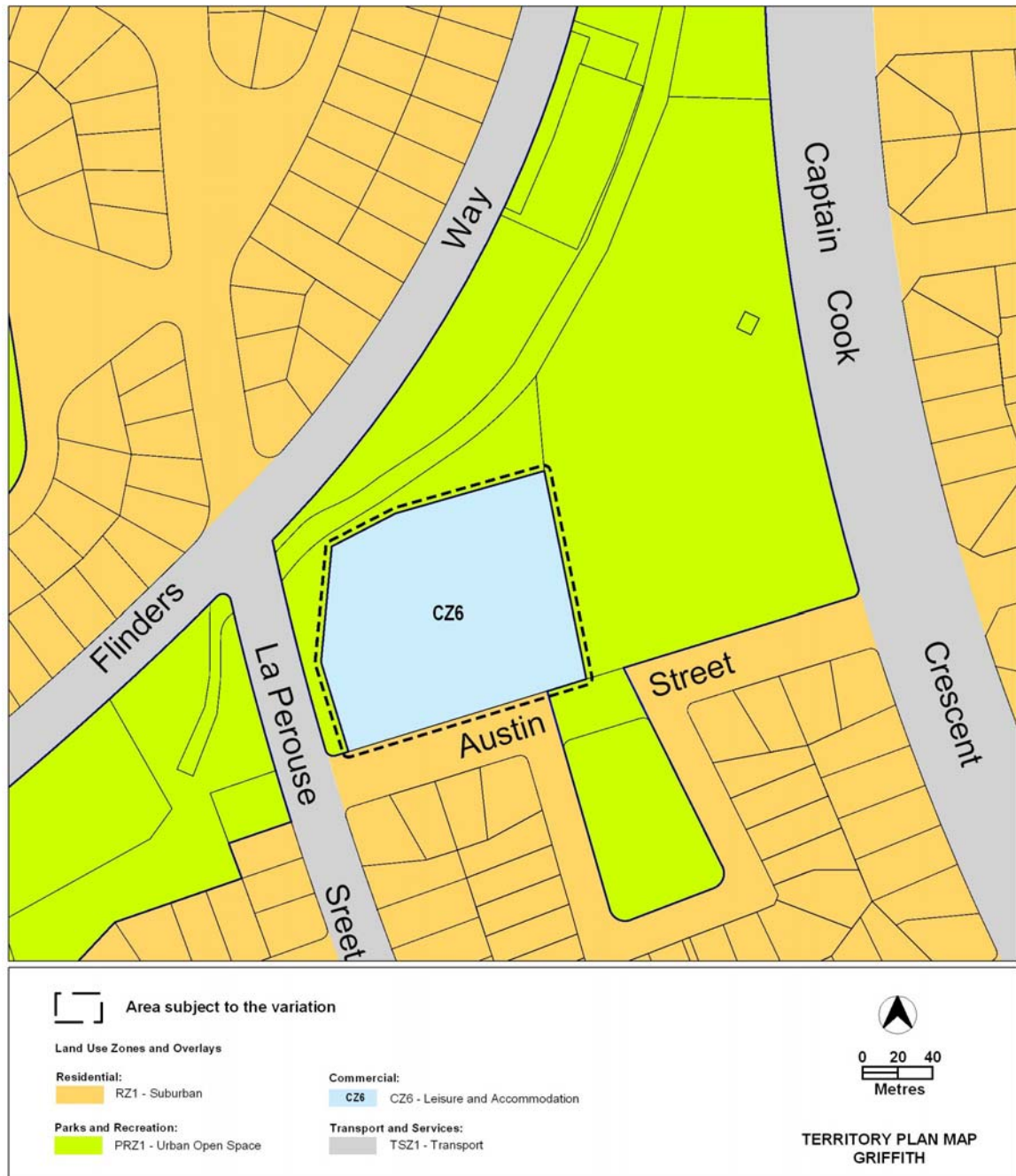


Figure 2: Territory Plan Zones Map

2.3 Proposed changes

2.3.1 Proposed changes to the Territory Plan map

The proposed changes to the Territory Plan map are indicated in **Figure 3** at Part 3 of this document and consist of removing Griffith section 42, block 15 from the commercial CZ6 leisure and accommodation zone and including it in the RZ4 medium density residential zone.

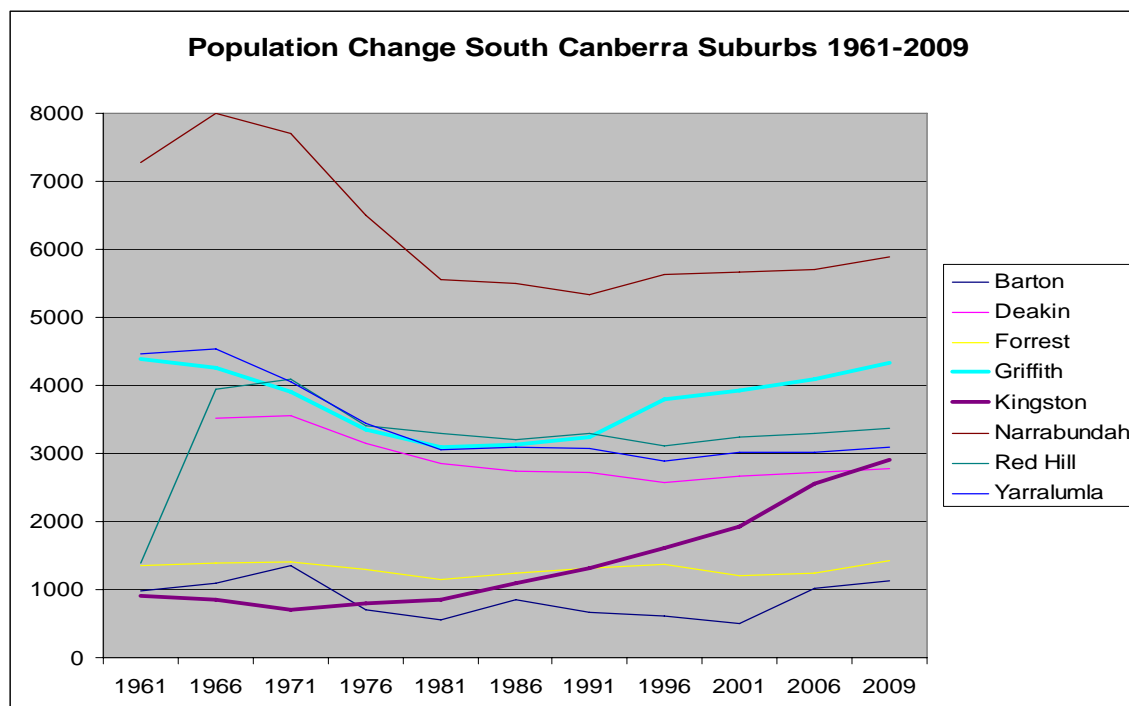
2.4 Reasons for the proposed Draft Variation

The reasons for the proposed rezoning are presented in detail in the planning report and are summarised as follows:

- The site is well proportioned and of sufficient size to accommodate medium density residential redevelopment
- The site is separated from surrounding low density residential areas by Austin Street to the south and open space area to the north, east and west
- The current zoning of the site primarily reflects a former use that has not operated on the site in three years. The uses permitted in the commercial CZ6 leisure and accommodation zone are unlikely to be developed on the site in the future
- Many of the uses permitted in the commercial CZ6 leisure and accommodation zone are permitted in other commercial zones and are more appropriately undertaken in commercial centres rather than in an established residential neighbourhood
- The site is well located close to commercial and employment centres at Manuka, Kingston and Civic and close to public transport along Captain Cook Crescent
- The proposal will increase housing choice in the Griffith/ Forrest area without directly affecting existing single dwelling housing.
- The proposal will further assist in offsetting population decline in South Canberra

Population change

The population of South Canberra peaked in the mid 1960s at over 29,000. By 1986 as a result of population ageing it had fallen to under 21,000. As a result of redevelopment activity particularly in Griffith and Kingston the population of the district gradually began to increase reaching 22,700 in 1996. Primarily as a result of the development of Kingston Foreshore and redevelopments in other suburbs, particularly Barton, the population increased to 23,500 in 2006 and at June 2009 was estimated by the Australian Bureau of Statistics to have reached 26,000. Figure 1 indicates the population trend by suburb since 1961.



Increasing housing opportunities in South Canberra will contribute to a more sustainable city as it is likely to reduce the level of overall travel, particularly in relation to work trips.

At the 2006 Census there were an estimated 3.68 jobs in South Canberra for every resident worker, the highest of any district. In comparison the job to resident workers was 0.55 in Belconnen and 0.33 in Tuggeranong.

The RZ4 medium density residential zone permits a broad range of housing types. This presents an opportunity for redevelopment of the site to meet the housing needs of existing residents in South Canberra which would provide an opportunity for existing residents to down size into appropriate accommodation without having to relocate from the local area.

2.5 Planning context

2.5.1 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.

2.5.2 Territory Plan

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.

2.5.3 Planning Strategy for the ACT

2.5.3.1 Spatial Plan

The Spatial Plan outlines the strategic direction for growth to achieve social, environmental and economic sustainability for Canberra. This proposal is consistent with the following key principles of the Canberra Spatial Plan:

- Contain growth within 15km of the city centre
- At least 50% of all residential development will occur within 7.5 kilometres of the city centre
- Higher density residential development will be located on major centrally located urban renewal sites.

2.5.3.2 Sustainable Transport Plan

The proposed development meets the broad objectives of the Sustainable Transport Plan in terms of integration of transport and land use to reduce travel distances, to increase choice of transport modes and encourage greater use of sustainable transport modes (walking, cycling and public transport).

2.6 Interim effect

The draft variation does not have interim effect and therefore section 65 of the Act does not apply. The current Territory Plan will continue to apply while the variation remains in draft form.

2.7 Consultation with Government agencies

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

- (i) the national capital authority
- (ii) the conservator of flora and fauna
- (iii) the environment protection authority
- (iv) the heritage council
- (v) 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 NCA provided the following comments 14 December 2010

Please note that the National Capital Authority has no objection to Draft Variation to the Territory Plan No. 307 proceeding.

Response

Noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 13 December 2010

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. 307 – Griffith section 42, block 15, for the change of zoning from commercial CZ6 leisure and accommodation to RZ4 medium density residential, and provide the following comments.

I have no issues of concern with the proposed change of land use provided that there are adequate controls on the site to ensure the protection of the existing trees located on the adjoining area of urban open space. An ample set back from the block boundaries is required to ensure that all building work, including scaffolding, is outside the dripline of the trees. This requirement must also relate to the construction of any basements.

Response

Noted and agreed. The future development of the site would be subject to a development application which would be considered in consultation with the relevant ACT Government agencies including the Conservator of Flora and Fauna.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 13 December 2010

I refer to your letter of 9 December 2010 requesting agreement to release DV307 for public comment, on the basis that a site contamination assessment will be prepared concurrently with the public notification draft variation.

I consider that this is a reasonable approach; however the draft variation to the Territory Plan should not come into effect until the site has been found suitable for more sensitive purposes. Should the environmental assessment reveal significant levels of contamination, further assessment and remediation will be required. All assessment reports should be forwarded to the Environment Protection Unit for review and endorsement prior to draft variation coming into effect.

I draw to your attention my advice to ACTPLA in August 2009 and February, August and November 2010 that, predominately based on historic use of the chemical pesticides and herbicides in bowling greens management, there is a need for assessment prior to finalising changes to the Territory Plan.

Response

Noted and agreed. The Brumbies Rugby has been requested to undertake the necessary site contamination assessment and to provide the resultant report to the Environment Protection Authority (EPA). DV307 will not proceed beyond the

public notification stage until the EPA has considered the site contamination assessment.

Heritage Council

The Heritage Council provided the following comments on 14 December 2010

I refer to your letter and associated documentation in relation to draft variation 307 to the Territory Plan for Griffith section 42 block 15. I understand that the proposal involves the change of zoning from the current CZ6 leisure and accommodation to the RZ4 medium density residential zone.

The Heritage Council advises that the subject block is adjacent to the Griffith Oval site which is registered on the ACT Heritage Register. The Council, in its letters to the ACT Planning and Land Authority on 9 August 2010 and 10 November 1020 advised that the proposed rezoning of block 15 section 42 Griffith was unlikely to generate detrimental impacts on the heritage significance of the Griffith Oval provided that the trees bordering the Oval on the shared boundary were retained.

The Heritage Council advises that the proposed rezoning is acceptable provided that a condition is appended to any approval for this lease variation. This condition should require the retention of the trees on the common boundary, providing sufficient distance from these trees during planning and development to allow their continued good health, and replacing these trees when they reach the end of their lifespan.

Response

Noted and agreed. The future development of the site would be subject to a development application which would be considered in consultation with the relevant ACT Government agencies including the ACT Heritage Council.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan map

The Territory Plan map is varied as indicated in **Figure 3**

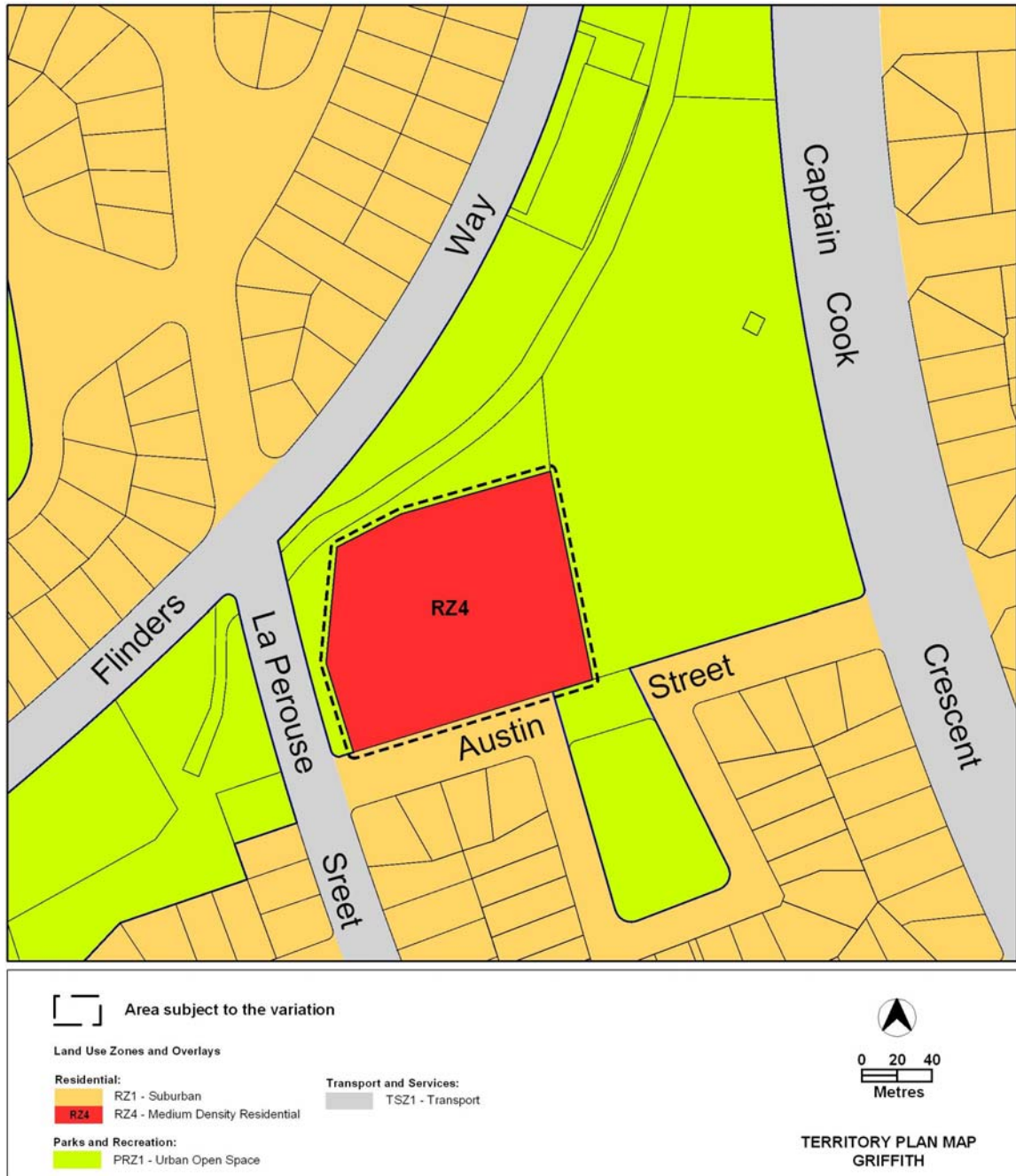


Figure 3: Proposed Territory Plan Zones Map

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