

## **Planning and Development (Draft Variation No 310) Public Availability Notice 2011\***

Removal of specified restrictions on use at Turner section 47 and part 63 and North of Macarthur and Wakefield Avenues  
(RZ4 Medium Density Residential Zone)

### **Notifiable instrument NI2011—666**

made under the

***Planning and Development Act 2007*, section 70 (Public notice of documents given to Minister) and section 71 (Public availability notice – notice of interim effect etc)**

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The ACT Planning and Land Authority is making available for public inspection Draft Variation to the Territory Plan Number 310 – Removal of specified restrictions on use at Turner section 47 and part 63 and North of Macarthur and Wakefield Avenues  
(RZ4 Medium Density Residential Zone)

Also available for inspection are related documents given to the Minister including background papers and a report on the issues raised in written comments on the previously notified draft variation and on consultation with the public.

The documents relating to this draft variation are available for inspection at:

- the Authority's website at:  
[www.actpla.act.gov.au/territoryplan](http://www.actpla.act.gov.au/territoryplan)
- the Environment and Sustainable Development Directorate Customer Service Centre, Ground Floor, South Building, Dame Pattie Menzies House, 16 Challis Street, Dickson  
(Opposite the Motor Registry) 8:30am to 4:30pm weekdays.

Note: Access to the internet is available free of charge at all ACT public libraries during library opening hours.

Section 72 does not apply in relation to the draft variation and therefore it does not have interim effect.

Ben Ponton  
Delegate of the Planning and Land Authority  
31 October 2011

\*Name amended under Legislation Act, s 60



**ACT**  
Government  
Environment and  
Sustainable Development

**ACT Planning and  
Land Authority**

# **Draft Variation to the Territory Plan 310**

Removal of specified restrictions on use at  
Turner section 47 and part 63  
and  
North of Macarthur and Wakefield Avenues  
(RZ4 Medium Density Residential Zone)

**October 2011**

Draft plan variation submitted to the Minister for Planning under section 69 of the  
*Planning and Development Act 2007*

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# 1. INTRODUCTION

## 1.1 Summary of the proposal

The purpose of this draft variation is to implement the Government's response to three recommendations of the Legislative Assembly's Standing Committee on Planning, Public Works and Territory and Municipal Services Report No. 9, released on 17 February 2011. The Government response to the Standing Committee report was tabled in the Legislative Assembly on 21 June 2011. It provided a comprehensive response to all 15 recommendations of the Standing Committee report. This draft variation 310 (DV310) was identified in the Government response as addressing the three recommendations of the Standing Committee report.

DV310 proposes to remove the specified building height and plot ratio limitations applying to the RZ4 medium density residential zones north of Macarthur Avenue and Wakefield Avenue, North Canberra, under the *Residential Zones—Multi Unit Housing Development Code* (rule R21). The draft variation also proposes to remove the prohibition on redevelopment of Turner Section 47 and Turner Section 63 Blocks 12-21, under the Inner North precinct code.

## 1.2 Public consultation

Draft variation 310 (DV310) was released for public comment from 6 May 2011 to 21 June 2011. A consultation notice under section 63 of the *Planning and Development Act 2007* was published in the ACT Legislation Register on 6 June 2011.

There were 29 submissions received during the formal public notification period. One additional late submission was also accepted and has been considered along with other submissions. The majority of submissions were made by individual members of the public.

Eleven submissions supported all or part of DV310 and included the following topics:

- ◆ enables sustainable development
- ◆ responds to issues such population growth, climate change and the like
- ◆ decreases dependence on the car
- ◆ increases access to the city, services and facilities and public transport
- ◆ will improve vibrancy of the city and Dickson
- ◆ provides certainty for residents

Key concerns raised in the public submissions related to the following issues:

- ◆ traffic and safety
- ◆ housing diversity
- ◆ streetscape character
- ◆ solar access and privacy
- ◆ level of development
- ◆ development provisions
- ◆ infrastructure
- ◆ community issues
- ◆ Standing Committee recommendations
- ◆ vegetation
- ◆ quality of building design
- ◆ other general issues.

The issues raised in the written submissions have been addressed in a report on consultation. This report was prepared by the Environment and Sustainable Development Directorate, which now incorporates the statutory responsibilities of the ACT Planning and Land Authority. The report on consultation is required under s 69 (2) of the *Planning and Development Act 2007*.

The public consultation process resulted in a minor amendment to DV310 which is outlined below.

### **1.3 Revisions to the Exhibited Draft Variation**

After analysis of the comments received during the draft variation consultation period, changes to the Turner South and O'Connor/Turner North control plans were made to the exhibited draft variation. These changes inserted the 7m rear setback (deep root zone) to blocks in Turner section 47 and section 63, blocks 12-21.

## 2. EXPLANATORY STATEMENT

### 2.1 Background

The inquiry into RZ3 and RZ4 Residential Redevelopment Policies – Inner North Canberra was referred to the Legislative Assembly’s Standing Committee on Planning, Public Works and Territory and Municipal Services by the ACT Legislative Assembly on 25 June 2009 for inquiry and report. It was proposed by the Minister for Planning, Mr Andrew Barr MLA, in order to consider whether current planning policies, including those contained within the Inner North Precinct Code, remain appropriate in light of issues such as climate change and population growth.

On 17 February 2011, the Standing Committee released report No. 9 on its inquiry into RZ3 and RZ4 Residential Redevelopment Policies – Inner North Canberra. The ACT Government response to DV310 was tabled in the Legislative Assembly on 21 June 2011. It provided a comprehensive response to all 15 recommendations of the Standing Committee report. The policy changes proposed by this draft variation 310 were identified in the Government response as addressing the first three recommendations of the Standing Committee report which are:

#### **Recommendation 1**

The Committee recommends that Rule 21, restricting development in RZ4 zones north of Macarthur Avenue and Wakefield Avenue, be removed from the *Residential Zones—Multi Unit Housing Development Code*.

#### **Recommendation 2**

The Committee recommends that Rule 44, restricting use on Blocks 12-21, Section 63 Turner should be removed from the *Inner North Precinct Code*.

#### **Recommendation 3**

The Committee recommends that Rule 44, restricting use on Section 47 Turner should be removed from the *Inner North Precinct Code*.

Under recommendation 1, development in the RZ4 medium density residential zone in the area specified would be subject to the same rules that apply to development elsewhere in this zone, ie. a building height of 3 rather than 2 storeys, and a plot ratio of 80% rather than 65%(including other provisions of the *Inner North Precinct Code*).

Under recommendations 2 and 3, redevelopment beyond minor additions and alterations to existing buildings would be possible on the land specified, subject to the prevailing RZ3 urban residential zone, and relevant codes (including other provisions of the *Inner North Precinct Code*).

## 2.2 Current Territory Plan provisions

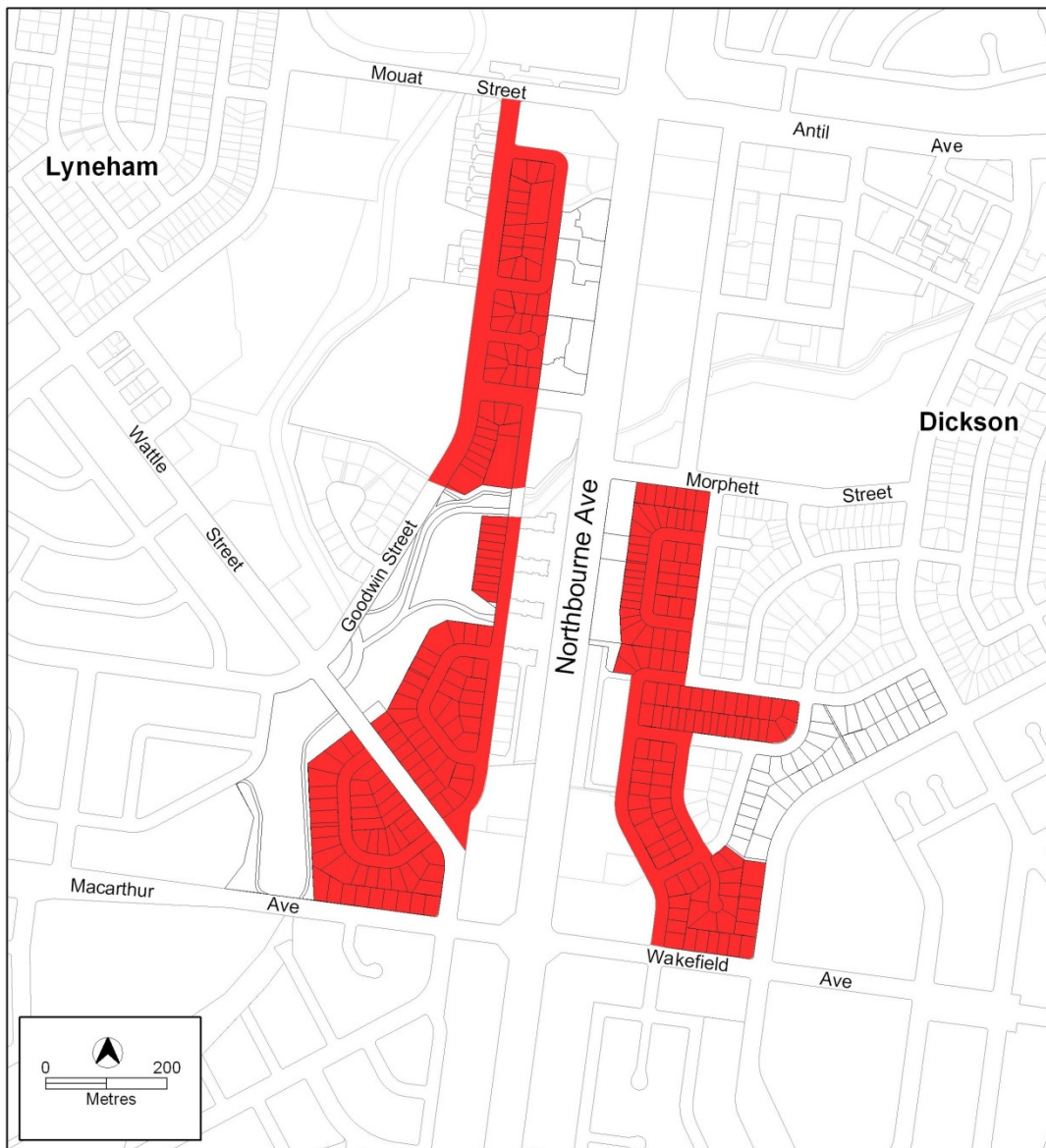
### 2.2.1 Residential Zones—Multi Unit Housing Development Code

The current provisions affecting RZ4 medium density residential land north of Macarthur Avenue and Wakefield Avenue are found in *Residential Zones— Multi Unit Housing Development Code*, part A(4) section 2.1 – Restrictions on Use – Staging of Development – Inner North Canberra, which includes rule R21, see **Figure 1 and Map 1** below.

**Figure 1** – Extract from *Residential Zones—Multi Unit Housing Development Code*

Rules	Criteria
<b>2.1 Restrictions on Use – Staging of Development – Inner North Canberra</b>	
R21 Development of land in the RZ4 zones of O'Connor, Dickson and Lyneham, north of Macarthur Avenue and Wakefield Avenue, is restricted in height to 2 storeys and a maximum plot ratio of 65%, until 23.5 hectares of residential blocks in the RZ4 zones of O'Connor, Turner and Braddon north of Cooyong Street and Donaldson Streets has been developed for multi-unit housing.	This is a mandatory requirement. There is no applicable criterion.

**Map 1 – RZ4 zones north of Macarthur Avenue and Wakefield Avenue**





## 2.2.2 Inner North Precinct Code

The current provisions affecting certain land in Turner are found in Inner North Precinct Code part C(5), element 1 (which includes rule 44), see **Figure 2** and **Map 2**.

**Figure 2** – Extract from *Inner North Precinct Code*

### Part C(4) – Turner

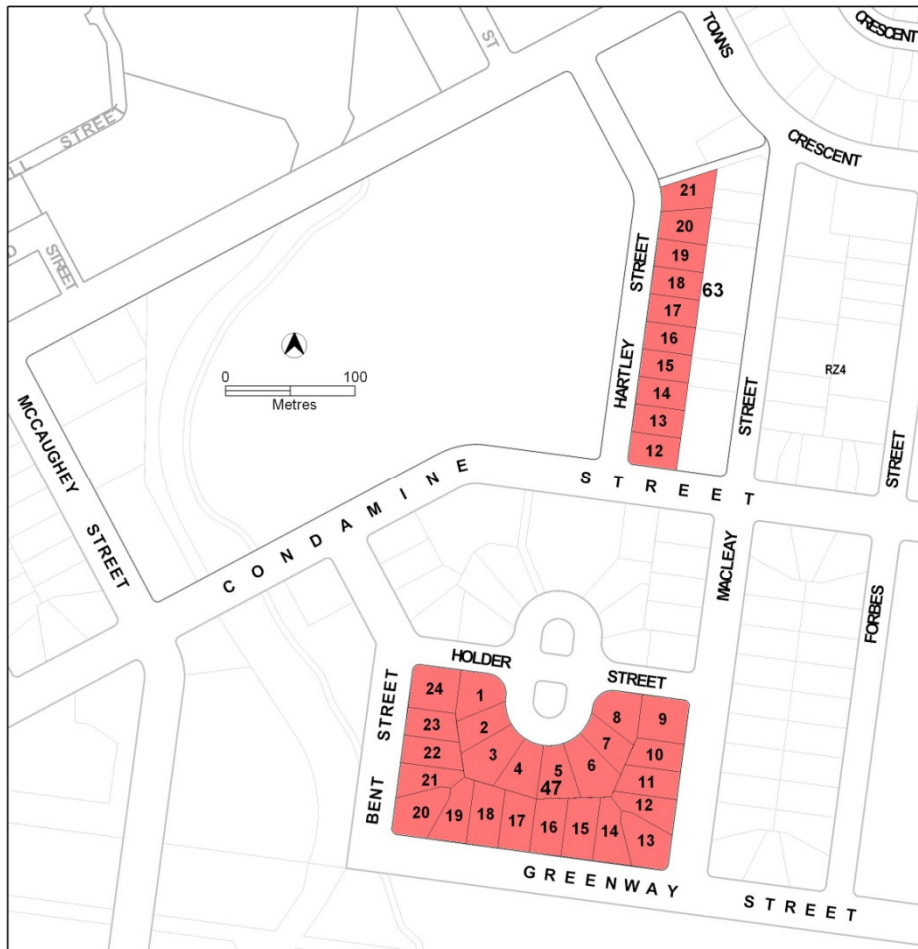
#### Element 1: Restrictions on Use

**Intent:**

- a) To protect the existing residential amenity of neighbouring lessees

Rules	Criteria
<b>1.1 Residential</b>	
R44 Redevelopment is not permitted on Turner Section 47 and Section 63 Blocks 12-21.	C44 Minor additions or alterations, which do not result in a significant change to the scale and/or character of the dwelling may be permitted.

**Map 2 – Turner Section 47 and Section 63 Blocks 12-21**



## 2.3 Proposed changes

Reasons for the proposed changes are outlined in section 2.4 below.

### 2.3.1 Changes to the Residential Zones—Multi Unit Housing

#### Development Code (item 1)

It is proposed to delete part A(4) section 2.1 – Restrictions on Use – Staging of Development – Inner North Canberra, which includes rule R21.

### 2.3.2 Changes to the Inner North Precinct Code (item 2)

It is proposed to delete from the Inner North Precinct Code part C(5) element 1, which includes rule 44. The Turner South and O'Connor/Turner North control plans are also proposed to be amended.

## **2.4 Reasons for the proposed draft variation**

This draft variation responds to recommendations of the Legislative Assembly's Standing Committee on Planning, Public Works and Territory and Municipal Services following its inquiry into RZ3 and RZ4 Residential Redevelopment Policies – Inner North Canberra, as outlined in section 2.1 above.

As development on Turner Section 47 and Section 63 Blocks 12-21 is currently restricted, the 7m rear setback (deep root zone) that applies to other sections in the Inner North was not applied to these blocks. To protect the rear zones of these blocks when lifting the moratorium, the control plans have also been amended to apply this provision.

## **2.5 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 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.

### 3. DRAFT VARIATION

The Territory Plan is varied as follows.

#### Variation to residential zones—multi unit housing development code

<b>1. Part A – Zone Specific Controls, Part A(4) – RZ4 – Medium Density Residential Zone, Element 2: Building and Site Controls</b>
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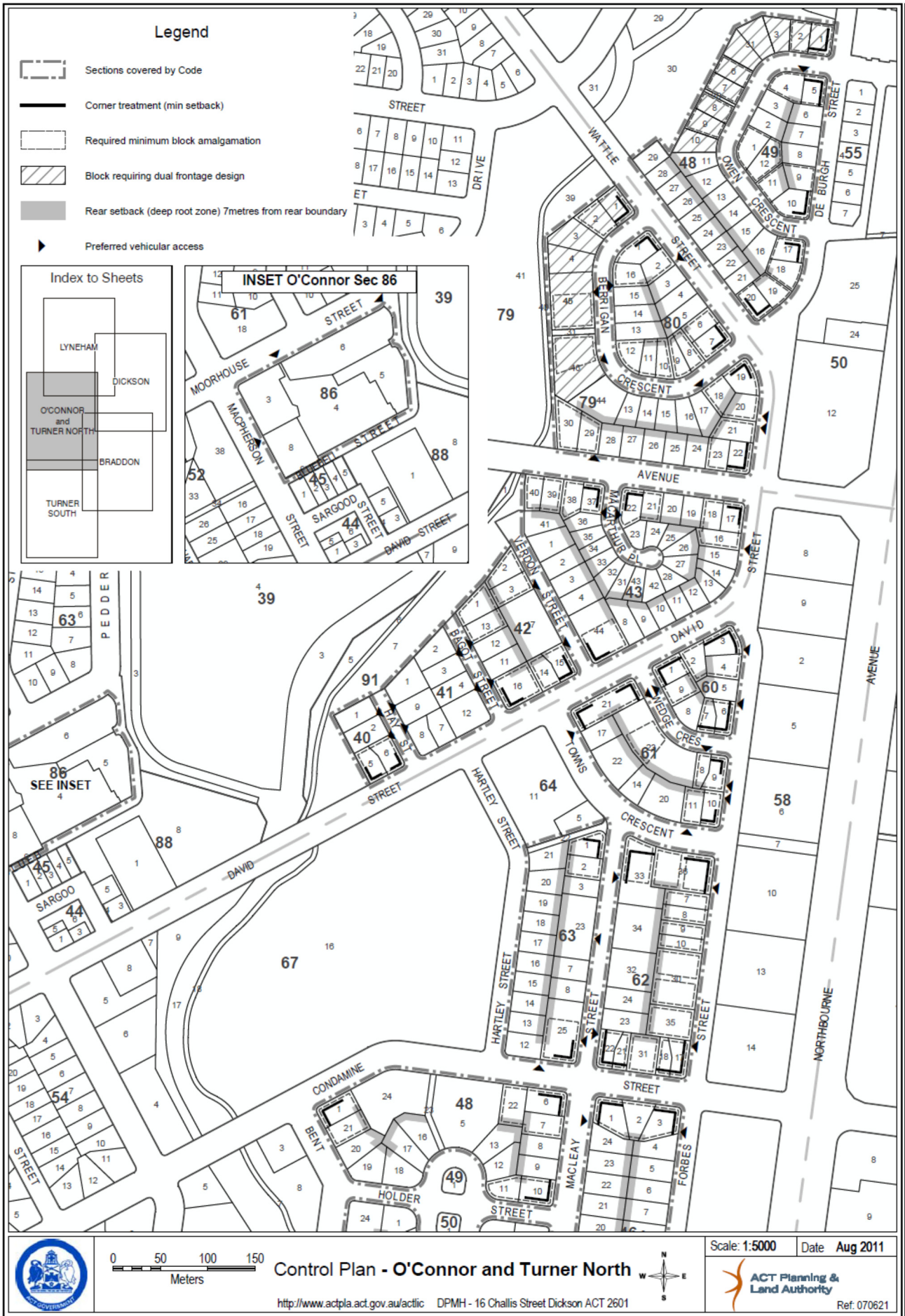
*Omit*

2.1 Restrictions on Use – Staging of Development – Inner North Canberra including Rule R21

#### Variation to Inner North precinct code

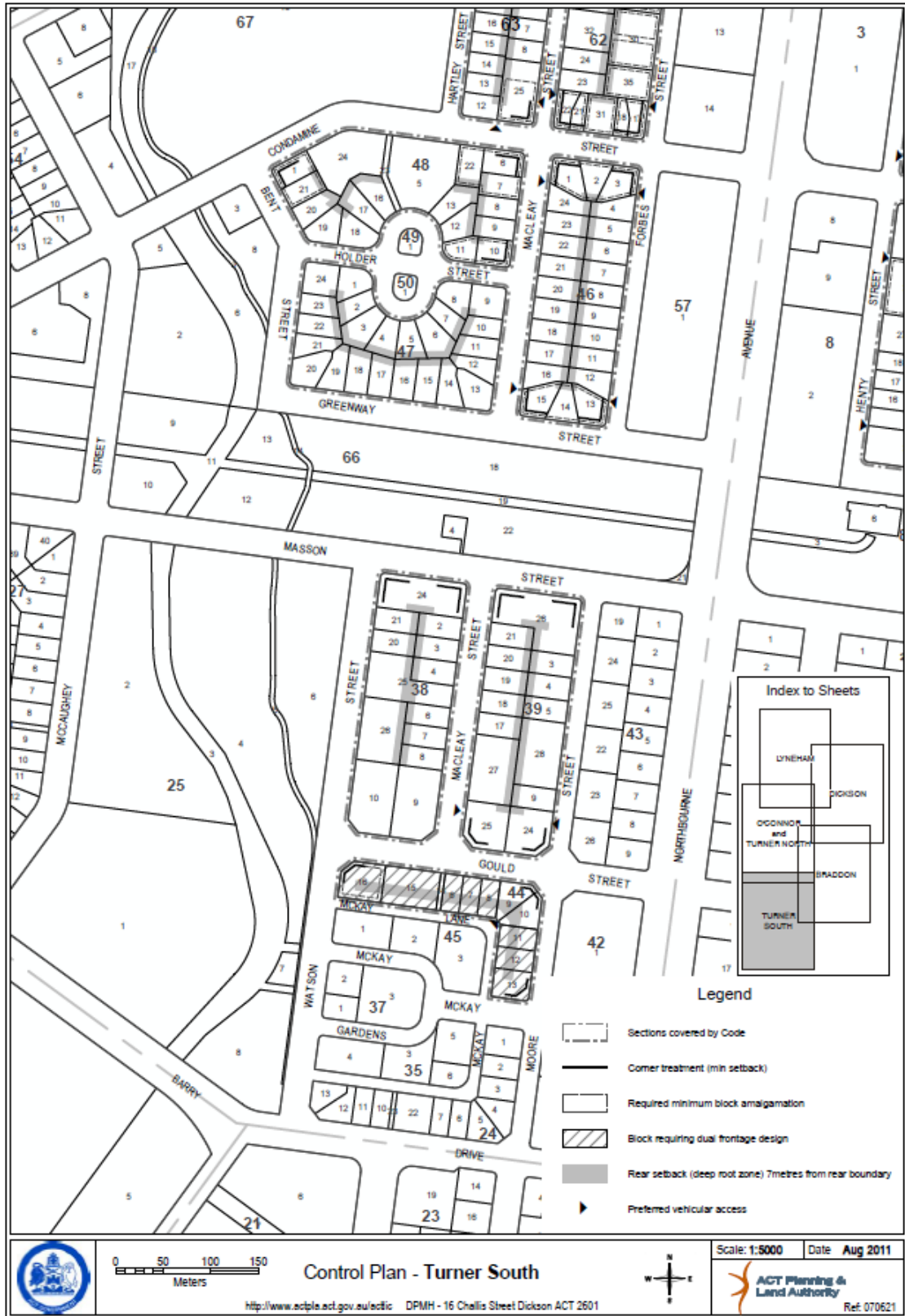
<b>2. Part B – Control Plan – O’Connor and Turner North</b>
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*Substitute control plan – O’Connor and Turner North with control plan below:*



### 3. Part B – Control Plan – Turner South

Substitute control plan –Turner South with control plan below:



#### **4. Part C(5) – Turner**

*Omit*

Element 1: Restrictions on Use including Intent, 1.1 Residential and Rule R44 and Criterion C44

## Interpretation service

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ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
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GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna 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:
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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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**131 450**

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