

Australian Capital Territory

Planning and Development (Draft Variation No 316) Consultation Notice 2012

Draft Variation 316 – Calwell/Conder Fire Station

Notifiable instrument NI2012—373

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 316 to the Territory Plan (see ***Annexure A***) has been prepared to enable development of a fire station at Calwell/Conder. The subject site is located on the intersection of Tharwa Drive and Drakeford Drive and forms part of the existing road reserve. A block will be created for the site upon lodgement of a survey plan. The affected land is zoned transport and services TSZ1 transport. An *emergency services facility* is prohibited in this zone under the Territory Plan. The draft variation proposes that *emergency services facility* be added as additional merit track development in the zone development table for the subject site only, and that site specific planning controls are established via a precinct code to guide development on the affected land.

Written comments from the public are invited by **COB Monday 3 September 2012**.

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 Sustainable Development 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.

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

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Comments, GPO Box 1908, Canberra, ACT 2601
- delivered to ESDD's Customer Service Centre at the above address

Comments received will be made publicly available 10 working days after the closing date for comment. The comments will be available for no less than 15 working days at ESDD's customer service centre in Dickson and on ESDD'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.

Effect of the draft variation

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.

Ben Ponton
Delegate of the ACT Planning and Land Authority

17 July 2012



ACT
Government

Environment and
Sustainable Development

Annexure A

Planning and Development Act 2007

Draft Variation to the Territory Plan 316

Calwell/Conder Fire Station

July 2012

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 intention of the draft variation is to enable development of the Calwell/Conder fire station on land within the Tharwa road reserve. This development is currently prohibited in the existing zone under the Territory Plan. The draft variation proposes that *emergency services facility* be added as additional merit track development in the relevant zone development table and site specific planning controls be established via a precinct code to guide development on the subject site.

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 functions of ACTPLA are administered by the Environment and Sustainable Development Directorate.

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 ESDD 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 from the public are invited by **Monday 3 September 2012**.

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

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Comments GPO Box 1908 Canberra ACT 2601
- delivered to ESDD's Customer Service Centre at 16 Challis Street Dickson

Comments received will be made publicly available 10 working days after the closing date. Comments will be available for no less than 15 working days at ESDD's customer service centre in Dickson and at www.act.gov.au/draftvariations.

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.

1.5 Further Information

The draft variation, and background documents will be available online at www.act.gov.au/draftvariations.

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase at the Environment and Sustainable Development Customer Service Centre 16 Challis Street Dickson from 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

As the ACT expands and the population grows, the ACT Emergency Services Agency (ESA) must ensure that its services are able to meet government benchmarks for emergency service response times and coverage. To achieve this, the ESA recently completed a Station Upgrade and Relocation Strategy and an Implementation Plan to determine where ambulance and fire stations should be located in the Territory for at least the next 20 years.

As part of the Station Upgrade and Relocation Strategy and Implementation Plan, the ESA engaged a UK based research organisation, which specialises in the application of analysis and modelling to support planning for emergency services, to undertake station location modelling and data analysis for the ACT. This exercise identified optimal areas for the location of emergency service facilities.

Based on the findings of the location modelling, the ESA undertook a comprehensive analysis of three possible sites in the Tuggeranong area. One of the most important parameters for determining a suitable site for an emergency services facility is its proximity to a major arterial road. Being located close to or on a major arterial road facilitates speedy multidirectional egress which impacts on response times and coverage. Other considerations included response times and coverage, the suitability of the land (i.e. size, shape and topography) and the site constraints and opportunities (e.g. environmental issues, heritage, adjoining land uses, contamination and infrastructure).

Following the detailed analysis, the ESA concluded that the Calwell/Conder site (**Figure 1**) is the most suitable location for a fire station based on a rigorously developed network plan which considered community response times.

It is proposed that the existing fire station on the corner of Reed and Scollay Streets, Greenway, will be used for a new ambulance station.

The subject site is currently unleased Territory land. The custodian of the subject site is the Territory and Municipal Services Directorate (TAMS). If the draft variation is approved, it is proposed to survey the affected land to determine new cadastral boundaries and property identifiers. This will enable the transfer the custodianship to the Justice and Community Safety Directorate (which incorporates ESA), and allow future tenure arrangements to be finalised.

The Calwell/Conder site is currently zoned transport and services TSZ1 transport. Under the current zone provisions emergency service facilities are prohibited.

The draft variation to the Territory Plan proposes to amend the Territory Plan to facilitate the development of an emergency services facility (fire station) on the Calwell/Conder site by amending the TSZ1 transport zone development table to include 'emergency services facility' as an additional merit track assessable development, introducing a new Calwell/Conder Precinct Code, and making consequential amendments to current Calwell and Conder Precinct Codes. This option, whilst allowing for the emergency services facility to be developed, would preclude land uses other than those already assessable under the current zoning.

2.2 Site Description

The subject site is located on the intersection of Tharwa Drive and Drakeford Drive (**Figure 1**). The total area of the subject site consists of approximately 7,000m² of unleased Territory land within part of the Tharwa Drive road reserve. The final dimensions of the site will be determined by the detailed survey plan.



Figure 1: Subject site

2.3 Current Territory Plan Provisions

The subject site is zoned TSZ1 transport. Emergency services facility is listed as prohibited development in the TSZ1 Transport Zone Development Table.

2.4 Proposed Changes

2.4.1 Proposed Changes to Territory Plan

It is proposed to amend the Territory Plan to allow development of an emergency services facility on the Calwell/Conder site by including *emergency services facility* development as additional merit track development in the TSZ1 zone development table, establishing a new precinct code that has planning controls on this development to guide the development and making consequential amendments to current Calwell and Conder Precinct Codes.

2.5 Reasons for the Proposed Draft Variation

The reasons for the proposed draft variation are as follows:

- allow development of an emergency services facility that achieves ACT Government benchmarks for emergency service response times
- the site is considered the best location based on extensive studies of the Tuggeranong area
- the development of an emergency services facility will enhance network coverage and is expected to reduce emergency services response times to a minimum
- enable development of an emergency services facility at Calwell/Conder changes are required to the Territory Plan to remove the prohibition for emergency services facility development and make other consequential changes

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

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 such as:

- Planning processes and decisions will be focused on the combined achievement of economic vitality, community wellbeing, and environmental quality. Broad community involvement will be a key element in the pursuit of sustainable development, as will complementary regional strategies and agreements.
- Urban development will be planned in a manner that promotes community vitality and safety, applying principles of crime prevention through environmental design. Provision will also be made for emergency services infrastructure necessary to ensure a high standard of safety for residents and visitors.

2.6.3 Strategic Planning Context

Canberra 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 Canberra Spatial Plan and in particular the following:

- GOAL — Create and Maintain a Healthy Community
- OBJECTIVE — Facilitate the equitable distribution of services and facilities, including education and health care, arts and recreational facilities

Transport for Canberra – Transport for a sustainable city 2012- 2031

Transport for Canberra is the key policy for transport planning in the ACT. The proposal is consistent with the strategic goals of Transport for Canberra in terms of the integration of transport and land use planning.

In determining the preferred site for a new fire station the ESA undertook a detailed analysis of possible sites, which included consideration of the road network and traffic conditions, to ensure that the ESA would be able to achieve the required government performance standards for coverage and response times.

Draft ACT Planning Strategy

The proposal supports the following draft strategies and associated targets by providing an emergency services facility in a location that is best able to meet the future needs of the Territory population:

- Strategy: Creating opportunities for increased density and dispersed employment by capitalising on the existing structure of the centres and inter-town transport connections.
 - Target: 75% of residential urban intensification is to be in established town and group centres and along transit ways.
- Strategy: Improving the city's resilience by investing in improvements to the development and management of the physical infrastructure.
 - Target: 10% efficiency increase in ACT annual expenditure on physical infrastructure across Canberra.

2.7 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.

2.8 Consultation with Government Agencies

The ESDD 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 on 15 June 2012:

“The National Capital Authority (NCA) has no objection to Territory Plan Draft Variations 315 and 316 proceeding. The proposed variations are not inconsistent with the National Capital Plan (the Plan).”

The NCA previously provided comment on the Draft Planning Report to support DV316. In particular, the NCA advised that the principles and policies for transport within the Plan stated that the arterial road system will generally not provide frontage access to development except where such access meets appropriate design standards and road safety needs.

The NCA has reviewed the Traffic Impact Assessment supporting DV316 and notes that the report concludes that the recently upgraded road network will have the capacity to accommodate the small increase in traffic generated by the new station, and that any transport issues can be addressed during the design phase of the project. The NCA concurs with these conclusions, and also supports the proposed access arrangements for both emergency services vehicles and business/staff/services traffic.”

Response

Noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 20 June 2012:

“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. 316 Emergency Services Facility (Fire Station) – Calwell/Conder. The variation relates to changes to the Territory Plan to facilitate the construction of a new Emergency Services Facility (fire station) at the intersection of Drakeford Drive and Tharwa Drive.

The redevelopment of the site will require the removal of some trees, and require an asset protection zone to be established for the protection of the facility. The variation can be supported provided that the establishment of any asset protection zones does not cause significant removal or restructuring of the vegetation within the adjoining Tuggeranong Hill Nature reserve or the removal of any hollow bearing trees.

The proposed site lies within an area of relatively high connectivity importance that links Tuggeranong Hill Nature Reserve with the Pine Island/Point Hut section of the Murrumbidgee River Corridor reserve. The plantings and regenerating saplings on the site offer some connectivity value. Care should be taken that the link between Tuggeranong Hill and the Pine Island Point Hut is not broken (ie preferably no gap over 50m is created and gaps of 100m or more are avoided).”

Response

Noted. A bushfire risk assessment study was included in the planning report for the Draft Variation. Along the interface with Tuggeranong Hill Nature Reserve, the study recommends the establishment of an inner asset protection zone of 10m and no outer asset protection zone (beyond the subject site). The report shows the inner asset protection zone will be contained wholly within the site. Further details regarding the asset protection zones can be found on figure 10 of Attachment K Bushfire Risk Assessment Report.

ESA have indicated existing trees will be retained, where possible.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 26 June 2012:

“Thank you for the opportunity to provide comments on draft Variations 315 and 316 to the Territory Plan. The Environment Protection Authority support the variations and provide the following comments:

The sites are currently subject to contamination assessments which have yet to be finalised. Prior to the land being used for any other purposes the sites will need to be verified as suitable for the proposed and permitted uses.

The operational aspects of the developments and any environment impacts or management requirements will be assessed by the Environment Protection Authority at the development application stage, including the findings of the contamination assessments.”

Response

Noted.

Heritage Council

The Heritage Council provided the following comments on 20 June 2012:

“There are no places registered on the ACT Heritage Register located on the subject blocks. I understand that a Cultural Heritage Assessment for the block was undertaken by Navin Officer in 2011, satisfying the heritage requirements for heritage investigations in the specified area. This Cultural Heritage Assessment identified an Aboriginal site TD1 on the site and the site TV-11 in the vicinity of the site.

The Heritage Council has no objection to the proposed draft variation 316 subject to the following conditions:

1. A Conservation Management Plan should be prepared that allows for:

- (a) The artefact that comprises Aboriginal site TD1 to be salvaged (collected) and deposited with the ACT Heritage Unit for long term storage/curation;*
- (b) An invitation should be extended to the representatives of each of the Representative Aboriginal Organisations to participate in the artefact collection.*
- (c) All construction workers and contractors should be informed of the requirement to avoid impact to the Aboriginal site TV-11, which situated outside the proposed Calwell/Conder ESA site but in close proximity to the proposed works.*
- (d) If it is anticipated that there is a risk of accidental impact to Aboriginal site TV-11 from construction activities, then the site area should be temporarily fenced with the aim of identifying a no-go area during the period of construction. The Aboriginal nature of the area should not be identified on any on-site signage.*

- (e) *In the event of an unanticipated discovery of objects or places with cultural heritage significance during construction activities, the protocols outlined in Appendix 2 of the Relocation of Emergency Services Agency Sites, Aranda, Charnwood and Calwell/Conder, ACT Cultural Heritage Assessment, December 2011 by Navin Officer should be followed.*
- (f) *Prior to the approval of a development application, a report on the salvage of Aboriginal site TD1 is to be submitted to the ACT Heritage Unit.”*

Response

Noted.

Land Custodian

The land custodian provided the following comments on 22 June 2012:

“TAMS\AA has reviewed the Draft Variations 315 and 316, has no further comments to make and supports the proposal to amend the Territory Plan to allow for the development of emergency services facilities on sites located in Aranda and Calwell/Conder.”

Response

Noted.

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3. DRAFT VARIATION

3.1 Variation to the Territory Plan

The Territory Plan is varied as follows.

Variation to the TSZ1 Transport Zone Development Table

1	8.1 TSZ1 Transport Zone, TSZ1 Transport Zone Development Table, Assessable Development, Minimum Assessment Track Merit
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Insert the following:

Site Identifier	Additional Development	Code
Land specified as 'minimum assessment track merit' for 'Emergency services facility' in a suburb precinct code. Suburb precinct codes are contained within the Territory Plan.	<i>emergency services facility</i>	Calwell / Conder Precinct Code

Variation to Precinct Codes

2	10.1 Suburb Precinct Codes
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Substitute the Calwell Precinct Code with Figure 2.

Substitute the Conder Precinct Code with Figure 3.

3	10.2 Other Precinct Codes
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Insert Calwell/Conder Precinct Code (see Attachment A).

Calwell Precinct Code



Figure 2: Calwell Precinct Code

Conder Precinct Code

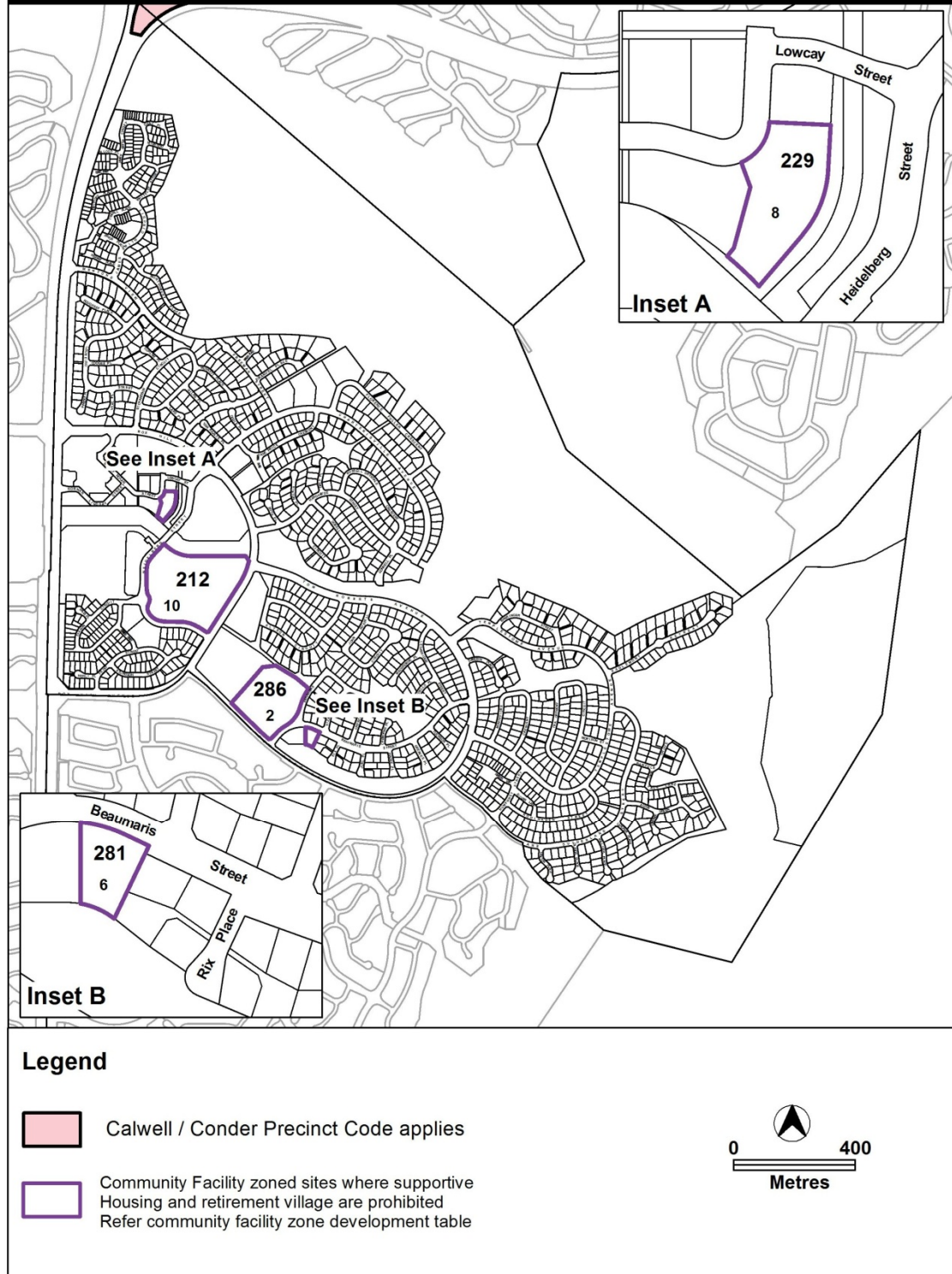


Figure 3: Conder Precinct Code

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

Calwell/Conder Precinct Code

Calwell/Conder Precinct Code

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Calwell/Conder Precinct Code

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Calwell/Conder Precinct Code

Introduction

Name

The name of this code is **Calwell/Conder Precinct Code**.

Application

The code applies to development on land shown on Calwell/Conder Precinct Map 1.

Purpose

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

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

Structure

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

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

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

Code hierarchy

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

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

Definitions

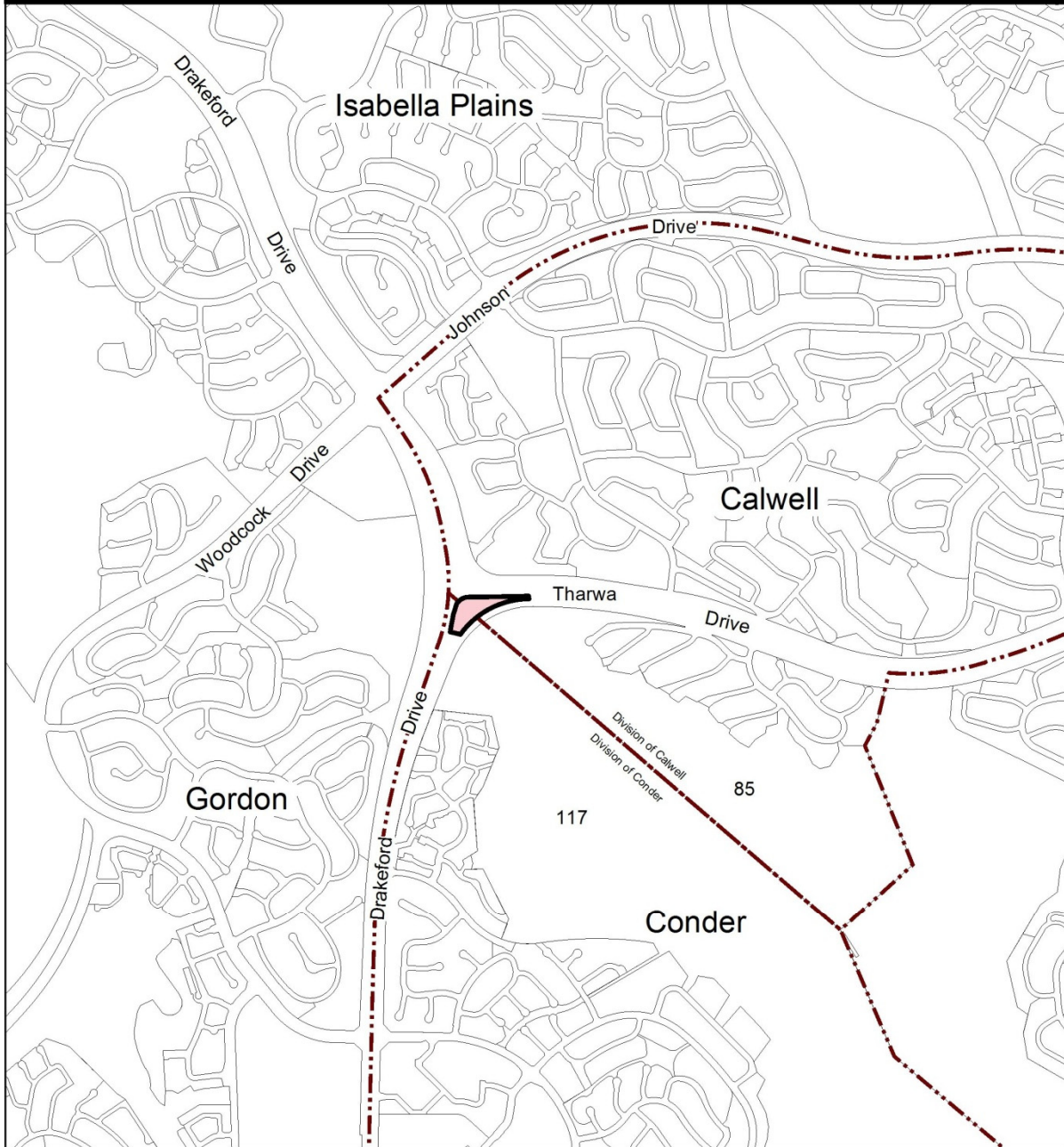
Defined terms, references to legislation and other documents are italicised.

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

Acronyms

Authority	Planning and Land Authority within the ACT Environment and Sustainable Development Directorate
EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
ESDD	ACT Environment and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TAMS	ACT Territory and Municipal Services Directorate

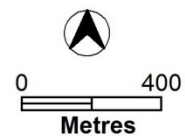
Calwell / Conder Precinct Map 1



Legend



Transport and Services TSZ1 transport zoned site where an emergency services facility is a merit assessable development. Refer TSZ1 transport development table.



Additional rules and criteria

Emergency Services Facility – Calwell /Conder Fire Station

This part applies to blocks and parcels identified in the Calwell/Conder Precinct Map 1. It should be read in conjunction with the relevant zone development code and related codes.

Element 1: Building

Rules	Criteria
1.1 Height	
R1 The maximum <i>height of building</i> , excluding rooftop plant and equipment, is 9m	This is a mandatory requirement. There is no applicable criterion.
1.2 Setback	
There is no applicable rule.	C2 <i>Setback</i> achieves adequate sight lines for vehicles and pedestrians, especially near street corners and intersections.
1.3 Screening	
R3 Structures and plant and equipment situated on the roof are not visible from the street frontage or unleased Territory land unless exempt under <i>Planning and Development Act 2007</i> . This includes water tanks, solar energy devices, evaporative cooling or air conditioning devices, a radio mast or aerial, or a satellite dish.	C3 Any structures and plant and equipment situated on or visible above the roofline does not significantly impact on the amenity of the streetscape or urban open space.