

Planning and Development (Draft Variation No 325) Consultation Notice 2014

Notifiable instrument NI2014—150

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 325 to the Territory Plan – Woden Bus Layover (see Annexure A).

Draft Variation No 325 to the Territory Plan proposes to:

- Rezone the south eastern corner of block 13 section 23 from PRZ2 Restricted Access Recreation Zone to TSZ1 Transport Zone to allow the development of a bus layover;
- Rezone block 14 section 23 from CZ2 Business Zone to PRZ2 Restricted Access Recreation Zone to offset the above rezoning and improve the long term viability of Phillip Oval;
- Vary the Territory Plan overlays to represent the above zoning
- Clarify that the definition of public transport facility to include ‘bus layover’ to allow for closer integration with more active elements of the public transport network

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.

Written comments from the public are invited by **28 May 2014**.

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

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Comments, GPO Box 158, Canberra, ACT 2601
- delivered to ESDD'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 ESDD's Customer Service Centre in Dickson and may be published on ESDD'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 ACT Planning and Land Authority
08 April 2014



Planning and Development Act 2007

**Draft
Variation to the
Territory Plan
No 325**

Woden Bus Layover Facility
Phillip section 23
part Block 13 and Block 14

Changes to the Territory Plan Map and Definitions

April 2014

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

This page is intentionally blank.

Contents

1.	INTRODUCTION	1
1.1	Summary of the Proposal	1
1.2	Outline of the process	1
1.3	This document.....	2
1.4	Public Consultation.....	3
2.	EXPLANATORY STATEMENT.....	4
2.1	Background	4
2.2	Site Description	6
2.3	Current Territory Plan Provisions	7
2.4	Proposed Changes.....	8
2.4.1	Proposed Changes to the Territory Plan Map.....	8
2.4.2	Proposed Changes to Territory Plan	8
2.5	Reasons for the Proposed Draft Variation.....	8
2.6	Planning Context.....	9
2.6.1	National Capital Plan	9
2.6.2	ACT Planning Strategy	9
2.6.3	Transport for Canberra	9
2.6.4	Territory Plan	10
2.7	Interim Effect	10
2.8	Consultation with Government Agencies.....	11
3.	DRAFT VARIATION.....	16
3.1	Variation to the Territory Plan.....	16
3.2	Variation to the Territory Plan Code	17

This page is intentionally blank.

1. INTRODUCTION

1.1 Summary of the Proposal

The intention of the draft variation is to enable the development of a bus layover near the intersection of Launceston Street and Callam Street (Phillip) by amending the Territory Plan. The draft variation proposes the following:

- Rezone part Block 13, Section 23 Phillip from (Parks and Recreation) PRZ2 Restricted Access Recreation to (Transport & Services) TSZ1 Transport.
- Rezone Block 14, Section 23 Phillip from (Commercial) CZ2 Business to (Parks and Recreation) PRZ2 Restricted Access Recreation.
- Vary the boundaries of the Public Land Overlay to reflect the new boundaries of Phillip Oval
- Clarify the definition of *Public Transport Facility* to include 'bus layover' and 'driver amenities'.

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 Sustainable Development Directorate (ESDD).

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 about the draft variation are invited from the public by **COB Wednesday 28 May 2014**.

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 158, Canberra, ACT 2601
- delivered to ESDD'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 ESDD's customer service centre in Dickson and may be published 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.

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 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.

2. EXPLANATORY STATEMENT

2.1 Background

Proposed Bus layover - Part Block 13, Section 23 Phillip

The Woden Town Centre Master Plan (2004) provided direction for, among other things, public transport emanating, terminating and passing through the Woden Town Centre. The Woden Town Centre Master Plan's (the Master Plan) purpose was a review the planning assumptions that were made in the 1960s and 70s and to consider future growth of Woden in the context of contemporary planning objectives. These objectives included more sustainable development, higher quality urban design, changing office accommodation needs and demographic changes. The Master Plan also looked at public transport within the Woden Town Centre and included a provision for a bus layover to be located south of Hindmarsh Drive in Phillip.

A discussion paper, relating to a review of the current Woden and Mawson Master Plans, was released to the public on February 2014 for comment. An Estates Development Plan (EDP), which was conditionally approved in November 2013, proposed a raft of bus network changes that were recommended by the current Woden Town Centre Master Plan (2004). The discussion paper identified the proposed bus layover in the same location as this DV (part block 13, section 23 Phillip). Being adjacent to the Rapid Bus Route (changed in the EDP) and future Inter-town Public Transport Route increases its overall efficiency and integration.

The Woden Public Transport Planning Framework (2012) assessed the changing travel demands for public transport that is occurring in the Woden Town Centre. The Woden Public Transport Planning Framework (WPTPF) identified 27 suitable locations for a bus layover; however, most of these sites are slated for future redevelopment. The WPTPF thus recommends Block 13 Section 23 Phillip as the most efficient location for a bus layover within the Woden Town centre.

The area which is to be used for the bus layover occurs generally outside the existing fenced boundary of the enclosed oval (Phillip Oval) and does not impact on the existing area of irrigated grass or its surrounds.

Currently the block contains a public car park. The planning report (background document) and approved EDP states there may be additional short term car parking available when the temporary interchange is relocated from section 7, Phillip. Any removal of parking will be considered during the development application stage for the bus layover. This will need to adequately demonstrate that a reduction or relocation of parking spaces can be supported.

Block 14, Section 23 Phillip

The Woden Public Transport Planning Framework (2012) recommended the most efficient and convenient location for a bus layover development be located at Phillip Oval (see above). This recommendation results in a reduction in the overall size of Phillip Oval. In reviewing the site surrounds it became apparent that Block 14, Section 23 Phillip is well located (and vacant) to be incorporated into the Phillip Oval uses and is to be rezoned accordingly.

Block 14 is also a similar size to the part of Block 13, Section 23 Phillip that is intended to be used for the bus layover facility and thus there is little net change in land zoned PRZ2.

Changes to the Territory Plan Definitions

Currently there is no definitive provision for a bus layover facility in the Territory Plan Definitions. The current definition for *public transport facility* is as follows:

“...means the use of land for the assembly, transport or dispersal of passengers travelling by any form of public transport, whether or not such public transport is provided by a public or private agency, and excludes any facilities required for the parking, and manoeuvring of any public transport vehicle.”

The definition is worded in such a way so most of the activities undertaken at a *public transport facility* are active/direct public transport functions. As bus layovers primary function is to increase route efficiency and temporary parking/manoeuvring of public transport vehicles the location and proximity of bus layovers to *public transport facilities* is key.

Thus by amending the definition of *public transport facility* to include ‘bus layover’ it will allow closer integration of public transport related uses.

The definition of public transport facility is to be amended as per ‘3.2 Variation to the Territory Plan Code’ of this document.

Changes to the Public Land Overlay

Currently the public land overlay (sports and recreation reserve) encompasses the whole of block 13, section 23 Phillip. As the bus layover is to be developed in the south east corner of this block the public land overlay boundary will need to be realigned to the new boundaries of Philip Oval. Block 14, section 23 Phillip will be rezoned PRZ2 and thus offset the area taken from Philip Oval by the Bus Layover. In this way the public land overlay will surround Philip Oval, excluding the area for the bus layover but will include block 14, section 23 Phillip to allow the correct protection and management of the Philip Oval into the future.

2.2 Site Description

DV325 includes the south-east portion of Block 13 Section 23 Phillip and Block 14 Section 23 Phillip (see figure 1).

Block 13 comprises of Phillip Oval and associated facilities. DV325 intends to rezone the south east portion of block 13 which is currently a public parking area.

Block 14 is bounded by Launceston Street to the south, Spoering Street and Block 17 to the west and Block 13 (Phillip Oval) to the north and east. Block 14 is currently vacant.

Block 13 is currently zoned PRZ2 Restricted Access Recreation Zone under which a *public transport facility* is prohibited.

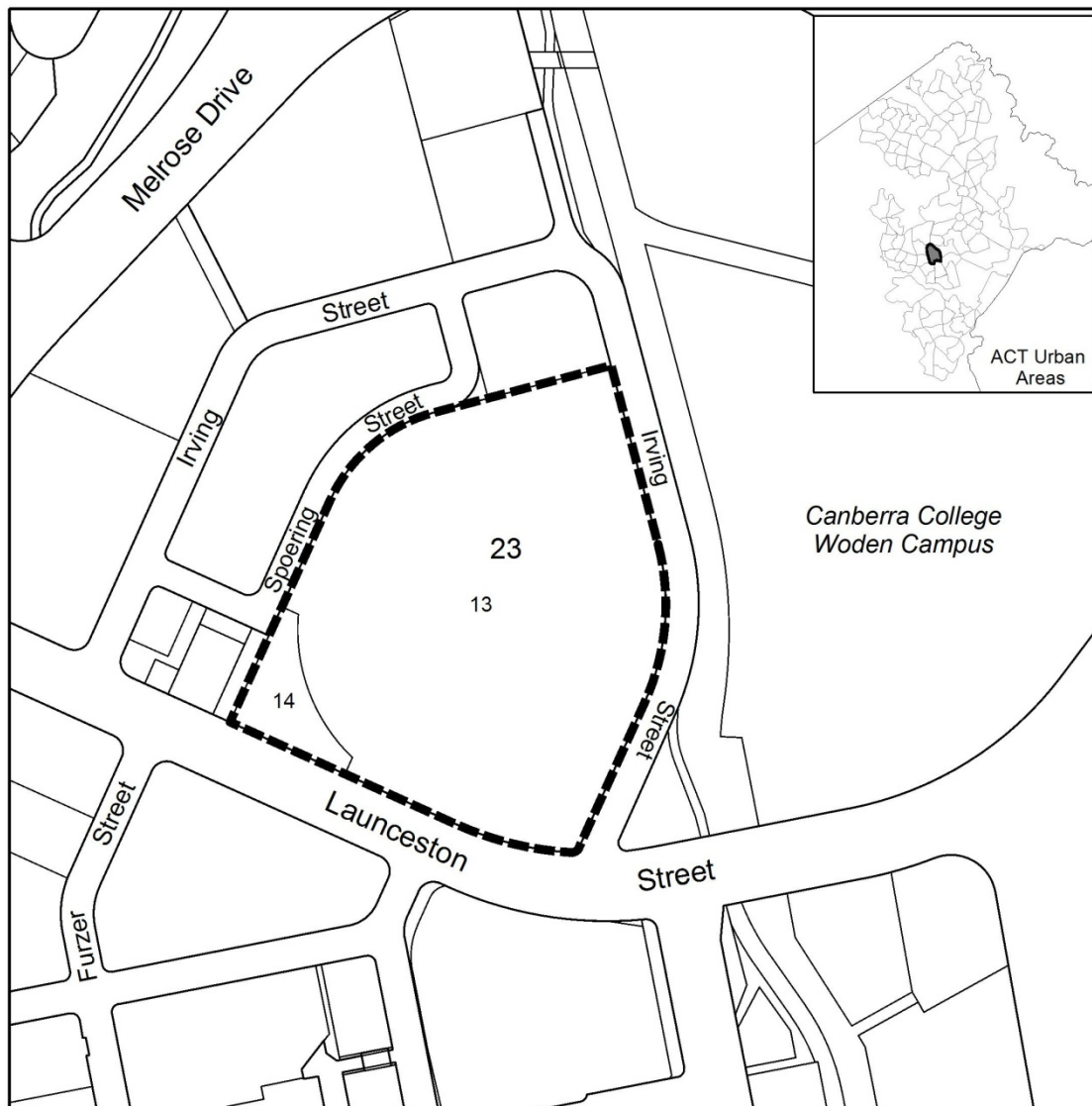


Figure 1 Site Plan

2.3 Current Territory Plan Provisions

The Territory Plan map zones for the area subject to this variation are shown in **Figure 2**.

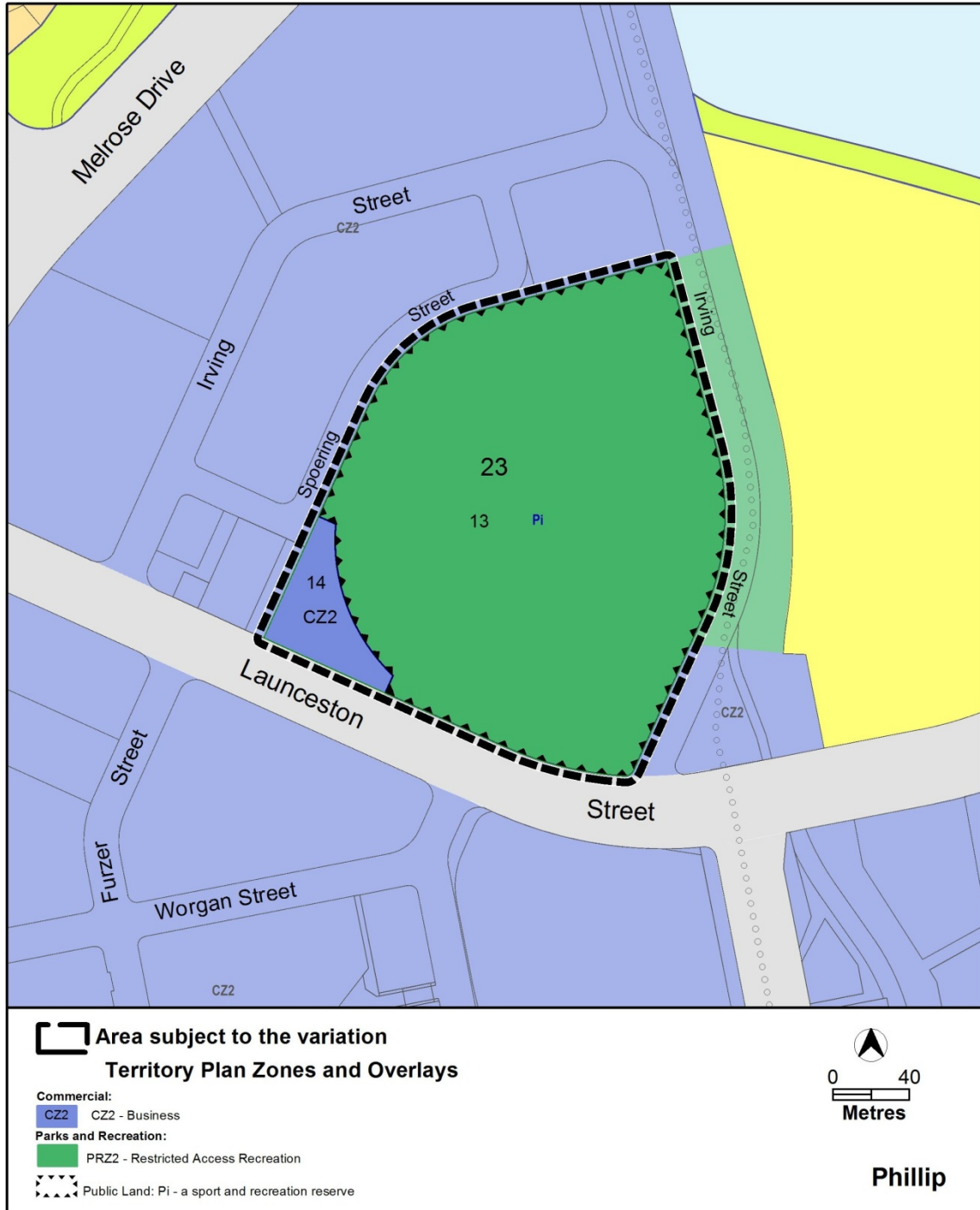


Figure 2 Territory Plan Zones Map

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 **Figure 3** at Part 3 of this document and are detailed as follows:

- Block 14 Section 23 Phillip to be rezoned PRZ2
- Part Block 14 Section 23 Phillip to be rezoned TSZ1
- Remove the public land overlay from Part Block 13 and place it over Block 14

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

2.4.2 Proposed Changes to Territory Plan

It is proposed to amend the Territory Plan Definitions as described in '3.2 Variation to the Territory Plan Code'.

2.4.3 Reasons for the Proposed Draft Variation

The reasons for the draft variation are as follows:

- to implement key findings for public transport infrastructure needs stated in the Woden Town Centre Master Plan (2004);
- to implement key findings of the Woden Public Transport Framework (2013) with respects to location of public transport facilities within Woden Town Centre;
- to provide an efficient public transport system with capacity to serve future predicted demand and reduce car dependency;
- to provide a major bus stop at Phillip Oval to cater for larger events;
- to allow the release of section 7 (current temporary layover facility) by the ACT Government for future development;
- to consolidate and expand the Phillip Oval precinct;
- To clarify that the definition of public transport facility to include 'bus layover' to allow for closer integration with more active elements of the public transport network.

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 ACT Planning Strategy

The 2012 ACT Planning Strategy provides long-term planning policy and goals to promote orderly and sustainable development, consistent with the social, environmental and economic aspirations of the people. The draft variation is consistent with the Planning Strategy and in particular the following:

Strategy 2: *Improve everyone's mobility and choice of convenient travel by integrating the design and investment of the various networks and transport systems with the land uses they serve.*

2.5.3 Transport for Canberra

Transport for Canberra -Transport for a Sustainable City 2012-2031 is the foundation for transport planning for the next 20 years. The draft variation is consistent with Transport for Canberra and in particular the following two principles set out in the document to guide the new transport policies and actions:

Principle 3: *provides sustainable travel options and reduces transport emissions*

Principle 6: *is efficient and cost effective, providing value for money for the government, business and the community by managing travel demand across the whole transport system.*

2.5.4 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.

The most relevant Strategic Directions are outlined below:

1.1 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.

1.3 Economic, social and environmental objectives will be pursued in a balance 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.

1.10 Integrated land use and transport planning will seek to maximise accessibility and transport efficiency, reduce energy consumption, support the preferred pattern of development, promote safety, safeguard environmental quality, and minimise greenhouse gas emissions.

1.17 In planning future development and redevelopment, particular emphasis will be placed on cost-effective provision and management of existing and new infrastructure and services, taking into account whole-of-life and whole-of system costs, including the ecological footprint of proposed developments and activities.

1.19 A variety of open space types will be provided in each district or local area to meet the diverse recreational needs of residents and visitors, and to contribute to community health

2.7 Development will be planned to encourage use of public transport, walking and cycling, including commuter cycling. Routes will be reserved for an enhanced inter-town public transport system. Requirements for vehicle parking will be related to commercial needs and transport policy objectives.

2.6 Interim Effect

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.

2.7 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:

- 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 7 February 2014

“This site is outside designated areas as identified in the National Capital Plan and is situated on Territory Land. The NCA has no comment to DV325.”

Response

Noted

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 21 January 2014

“The variation can be supported. The area proposed for the bus layover is existing car park and there are no ecological issues that need to be addressed. However, it is recognised that the development of a bus layover at this location will require the removal of a number of trees to facilitate the development. It is expected that the loss of these trees will be offset by additional landscaping and tree plantings as discussed in the planning report submitted in support of the variation.”

Response

Noted. The draft variation is the first step in the process to allow a bus layover in its proposed location. When the draft variation is finalized detailed design work can be started and a development application lodged. When the development application is lodged the exact amount of trees removed will be known and the conservator will once again have a chance to comment on the application. These comments will then be taken into consideration prior to the development being approved.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 17 January 2014

“ The Environment Protection Authority (EPA) supports the proposed variation however consideration should be given to the following issues.

EPA records indicated that Block 13 Section 23 Phillip is currently occupied by public playing fields. Whilst there is no recorded information on potential site contamination public playing fields have been associated in the past with site contamination due to the application of certain chemicals for the control of weeds and pests, the use of asbestos piping for irrigation and the placement of uncontrolled fill during the establishment of the fields. The storage of herbicides/pesticides may also have been undertaken at the site for the above purpose.

The ACT Government’s ‘Strategic Plan for Contaminated Sites Management 1995’ and the Environment Protection Authority Contaminated Sites Environment Protection Policy 2009 specifically require that potentially contaminated land be investigated at the earliest stages of the planning process to ensure a site is suitable for the proposed and permitted uses. It should be noted that the specific use of bus layover on this site would not require assessment due to the activity not being a sensitive land use.

Prior to sensitive land uses other than bus layover in the south east corner of Block 13 Section 23 Phillip being activated, such as residential, an environmental assessment of the site must be undertaken to determine whether past activities at the site have impacted the site from a contamination perspective and to demonstrate that the site is suitable for proposed and permitted uses. In accordance with the Contaminated Site Environment Protection Policy, the results of this assessment must be reviewed and endorsed by the EPA prior to the change of use.

For information and future considerations, the Environment Protection Authority have received numerous complaints from occupiers of residential premises located in proximity to bus layovers in relation to noise and odour emissions from idling buses. Further assessment will be requested at the Development Application stage to ensure that the proposed development does not impact nearby receivers. In the even sensitive receivers or land use are proposed in proximity to the layover an assessment of the impacts should be undertaken to ensure that future proposed development is compatible and adverse impacts are assessed and mitigated.”

Response

Noted. As part block 13 section 23 Phillip (proposed bus layover) is being rezoned to TSZ1 by this draft variation it is unlikely that any sensitive uses will be proposed on this block as TSZ1 does not allow residential use. Any impacts for surrounding residences can be dealt with at development application stage where EPA will have a chance to comment again.

ACT Heritage Council

The Heritage Council provided the following comments on 16 January 2014

As previously advised there are no known nominated or registered heritage place on Block 13 Section 23 Phillip. The intention to incorporate an unanticipated discover plan into any future Construction and Environmental Management Plan to guide development on the site is noted.

Consequently, there should not be any detrimental heritage impacts as a result of DV325.

Response

Noted

Land Custodian

The land custodian (Territory and Municipal Services Directorate) provided the following comments on 7 February 2014

“TAMS has considered the implications of Draft Variation 318 (DV318) and supports the release of DV 318 for public consultation.

However, TAMS would appreciate the following comments being considered for inclusion in the Draft Variation and certainly at the design stages appropriate.

Terminology

TAMS has raised the issue of terminology in relation to public transport previously in its response to DV309 Western City Bus Layover Turner Section 25 Part block 8, viz.

Public transport

- *‘Public transport facility’ means the use of land for the assembly, transport or dispersal of passengers travelling by any form of public transport, whether or not such public transport is provided by a public or private agency, and includes facilities for the manoeuvring and temporary layover of public transport vehicles*
- *it is recommended that the term ‘Bus layover’ be used as Common Terminology*
- *due to the size of the layover facility, TAMS is concerned that using the words “any form of public transport” will allow for other coach and bus operators to park. There is not enough room at this facility to allow parking by others*
- *It should be made clear that the layover is for use by local public transport only. Interstate coach and private operators must be precluded from the site.*

Public transport

The following issues need consideration in the investigation and design process:

- *the entry and exit points for ACTION buses into and out of the proposed bus layover facility on Part of Block 13; Section 23; Phillip must be located*
- *the implications of the crash history for the past five years at the following intersections of Furzer Street/Launceston Street, Bowes Street/Launceston Street, Callam Street/Launceston Street were 13, 5, and 12 respectively should be noted when undertaking the entrance and exit investigation and design*
- *the location of the entry and exit points from the bus layover must consider their close proximity to the existing intersections as well as how this will be integrated with the proposed eastern exit of “Irving Street” for future development in the northern area of Phillip around Football park*
- *the Irving Street/ Launceston Street intersection must take into account the bridge abutment and line of site issues. “*

Response

Noted. Issues raised by TAMSD about terminology for the *public transport facility* have already been taken into consideration by this DV. Other issues mentioned related to management of the facility or issues which are to be dealt with at the detailed design phase. In both cases the draft variations purpose is to vary the Territory Plan to allow the use to happen. These issues will be dealt with at development application stage or by TAMSD internally when a final design and operation schedule is decided upon.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan

The Territory Plan map is varied as indicated in Figure 3 for the area shown as subject to the variation.

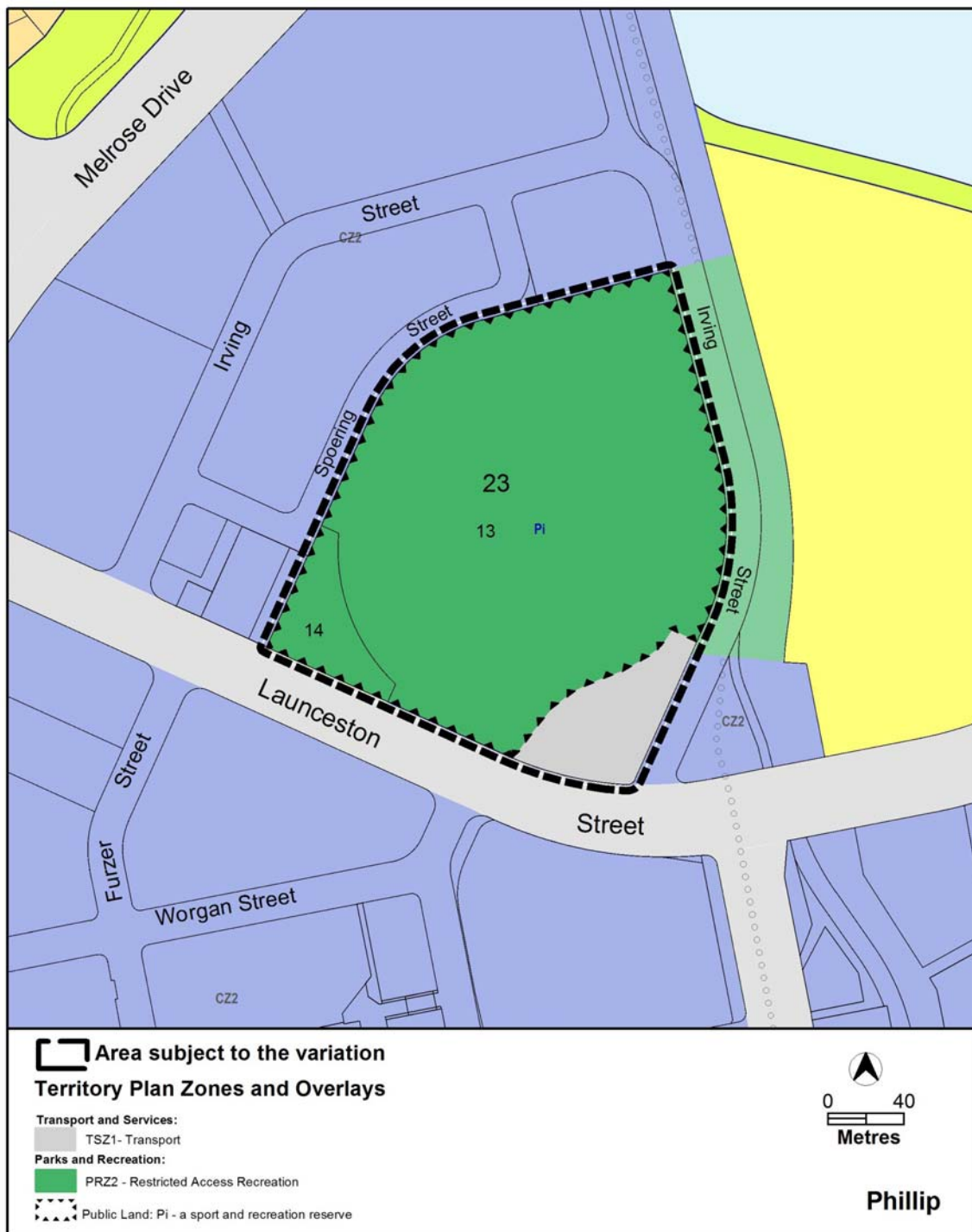


Figure 3 Proposed Territory Plan Map Zones

3.2 Variation to the Territory Plan Code

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

Variation to the *Territory Plan Definitions* (13.1)

1. Definition of Development – Public Transport Facility

Substitute the entire definition of public transport facility with the following:

Public Transport Facility means the use of land for the assembly, transport or dispersal of passengers travelling by any form of public transport, whether or not such public transport is provided by a public or private agency, and include facilities for the manoeuvring and temporary layover of public transport vehicles and driver amenities.

Insert in the common terminology for a Public Transport Facility the following:

Bus Layover

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 τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna 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	Ako vam je potrebna pomoć prevodioca telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız 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