

Australian Capital Territory

# Planning and Development (Draft Variation No 309) Consultation Notice 2014

Notifiable instrument NI2014—151

made under the

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

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Under the *Planning and Development Act 2007* (the Act), section 63(1), the planning and land authority has prepared Draft Variation No 309 to the Territory Plan – Turner Bus Layover part Block 8 Section 25 Turner (see Annexure A).

Draft Variation No 309 to the Territory Plan proposes to:

- Rezone the subject site from PRZ1 Urban Open Space Zone to TSZ1 Transport Zone to allow for public transport facility development.
- Remove the Public Land (Pe – urban open space) Overlay from the subject site.
- 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](http://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 Section.

Comments can be:

- emailed to [terrplan@act.gov.au](mailto: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 planning and land authority  
08 April 2014



**ACT**  
Government  
Environment and  
Sustainable Development

ANNEXURE A

*Planning and Development Act 2007*

**Draft  
Variation to the  
Territory Plan  
No 309**

Turner Bus Layover  
Turner section 25 part Block 8

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*

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## Contents

<b>1.</b>	<b>INTRODUCTION .....</b>	<b>1</b>
1.1	Summary of the Proposal.....	1
1.2	Outline of the process .....	1
1.3	This document.....	2
1.4	Public Consultation.....	3
<b>2.</b>	<b>EXPLANATORY STATEMENT.....</b>	<b>4</b>
2.1	Background .....	4
2.2	Site Description .....	5
2.3	Current Territory Plan Provisions .....	6
2.4	Proposed Changes.....	7
2.4.1	Proposed Changes to the Territory Plan Map.....	7
2.4.2	Proposed Changes to the Territory Plan .....	7
2.4.3	Reasons for the Proposed Draft Variation .....	7
2.5	Planning Context.....	8
2.5.1	National Capital Plan .....	8
2.5.2	ACT Planning Strategy .....	8
2.5.3	Transport for Canberra .....	8
2.5.4	Territory Plan .....	9
2.6	Interim Effect.....	9
2.7	Consultation with Government Agencies.....	10
<b>3.</b>	<b>DRAFT VARIATION.....</b>	<b>13</b>
3.1	Variation to the Territory Plan Map.....	13
3.2	Variation to the Territory Plan Code .....	14

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# 1. INTRODUCTION

## 1.1 Summary of the Proposal

The intention of the draft variation is to enable the development of a bus layover on the corner of Barry Drive and Watson Street (Turner) by amending the Territory Plan. The draft variation proposes the following:

- Rezone part Block 8 Section 25 Turner (the subject site) from PRZ1 Urban Open Space Zone to TSZ1 Transport Zone to allow for public transport facility development.
- Remove the Public Land (Pe – urban open space) Overlay from the subject site.
- 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 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](mailto: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](http://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 8, Section 25 Turner

There is an existing bus layover located on Marcus Clarke Street Canberra. The site has been acquired by the Australian National University and therefore the layover facilities must be removed to allow the University to utilise the site.

The subject site on part Block 8 Section 25 Turner has been identified as part of a two site solution to replace the existing bus layover. It is proposed to be the western city bus layover site. The site adjacent to the National Convention Centre has been chosen to accommodate the eastern city bus layover.

The city bus layover sites have been chosen following extensive review of available alternate sites. Being located in close proximity to the city and key inter-town routes, the layover facilities are expected to improve the efficiency of the public transport network, reduce operating costs and improve public transport services.

#### 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 layover's 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

The public land overlay will be removed from the subject site as it is no longer required as the block will be used for a bus layover facility.

## 2.2 Site Description

The subject site is located on the corner of Barry Drive and Watson Street at part Block 8 Section 25 Turner. Block 8 consists of part of Sullivans Creek, an open space and a territory operated surface car park which currently provides paid all day parking to workers in surrounding areas.

The proposed site is part Block 8 as shown in Figure 1. The site is currently zoned PRZ1 Urban Open Space Zone.

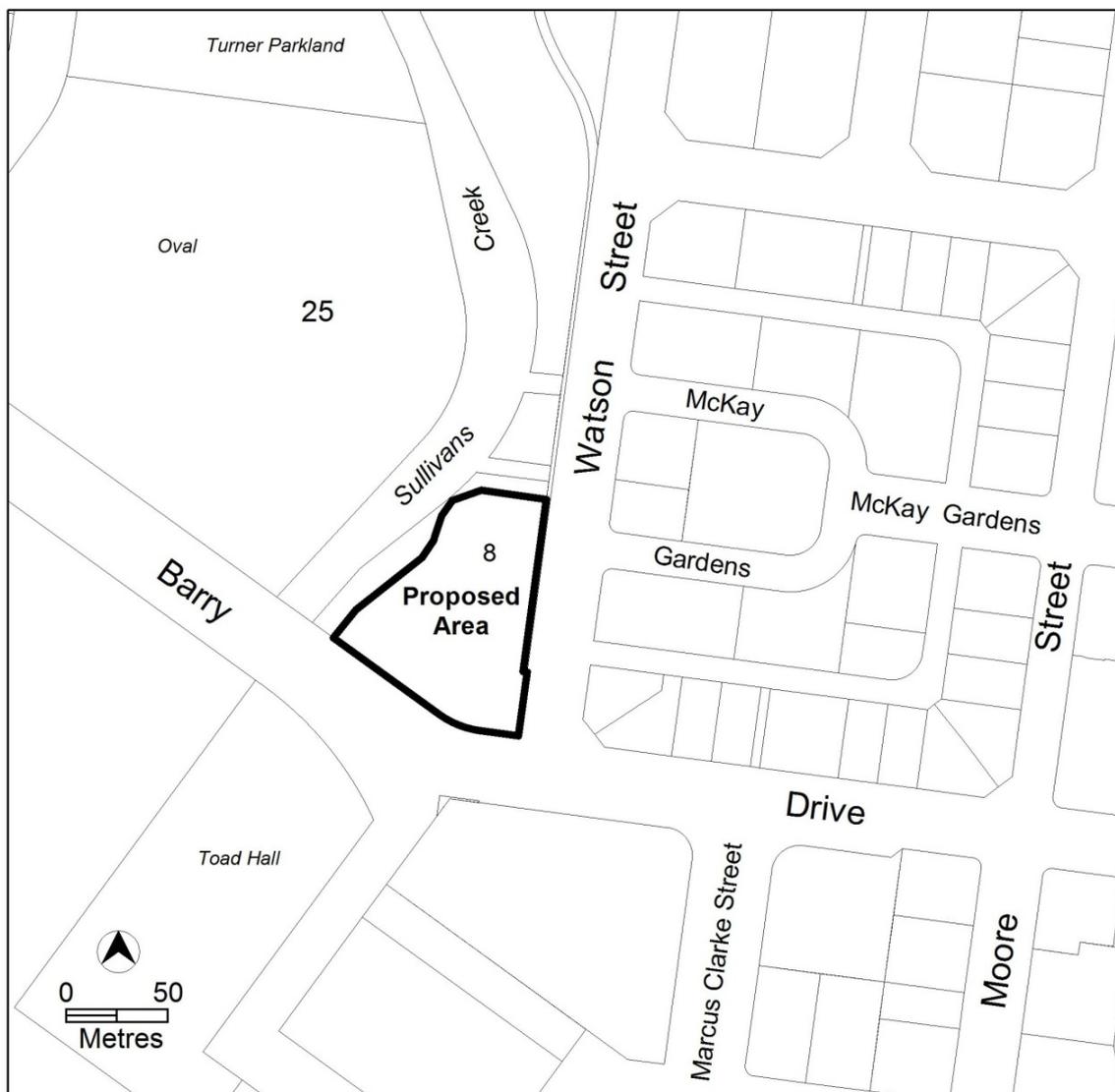
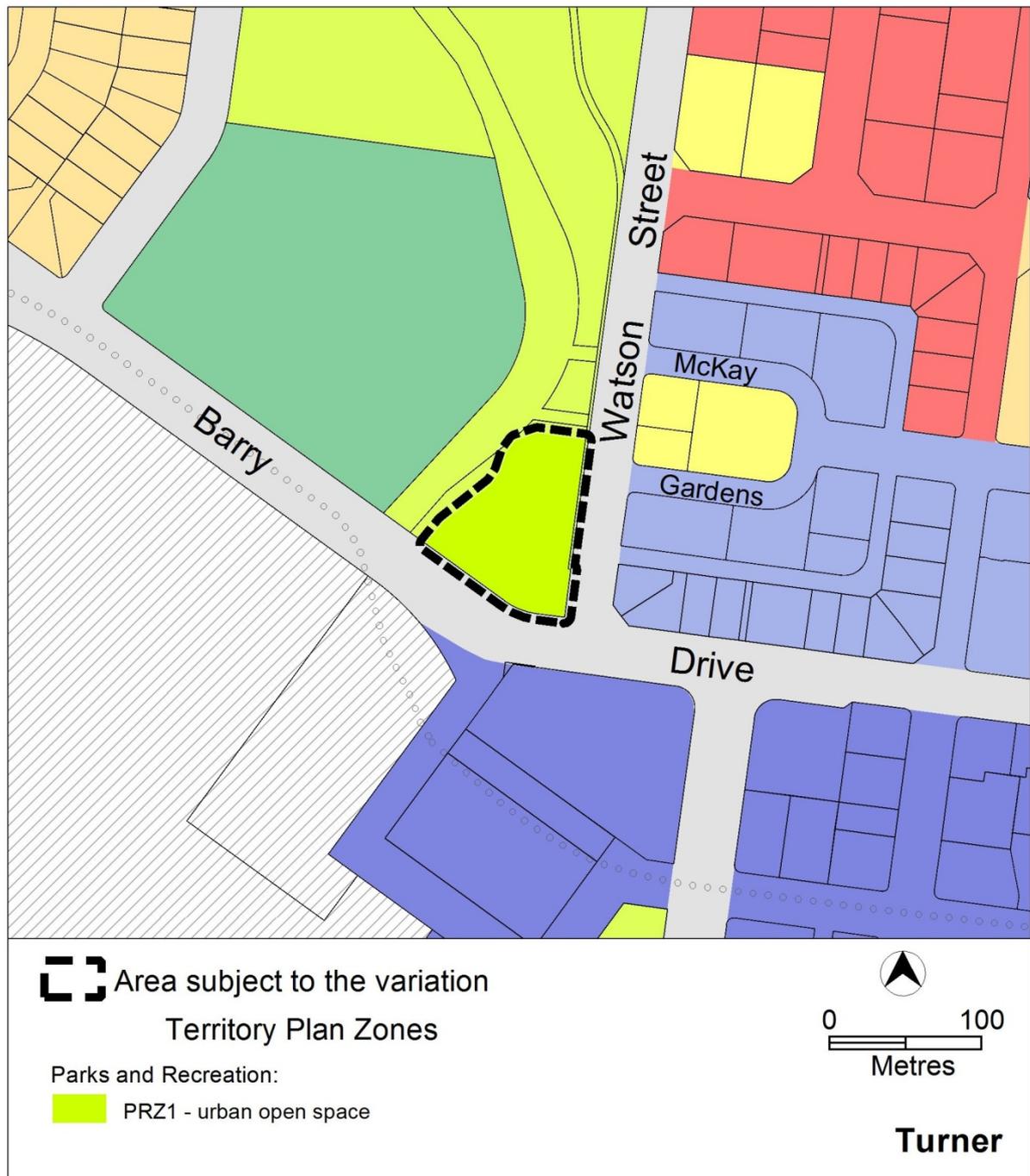


Figure 1 Site Plan

## 2.3 Current Territory Plan Provisions

The Territory Plan map zones for the area subject to this variation are shown in **Figure 2**. The subject site is zoned PRZ1 Urban Open Space Zone and is reserved public land, having a Pe – urban open space overlay. The development table for this zone currently lists ‘public transport facility’ as a prohibited land use.



**Figure 2: Current Territory Plan 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:

- Rezone the subject site from PRZ1 Urban Open Space Zone to TSZ1 Transport zone.
- Remove the site from reserved public land (Pe – urban open space).

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 the Territory Plan**

It is proposed to amend the definition of ‘public transport facility’ in the Territory Plan Definitions to include ‘bus layover’, as described in ‘3.2 Variation to the Territory Plan Code’.

### **2.4.3 Reasons for the Proposed Draft Variation**

The reasons for the proposed variation are as follows:

- to provide an efficient public transport system with capacity to serve future predicted demand and reduce car dependency;
- 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; and
- to enable the development of a bus layover as part of the two-site layover solution which offers the following benefits:
  - logical route extensions from the existing bus layover on Marcus Clark Street;
  - reduced dead running bus movements;
  - improved connectivity to the City Interchange; and
  - a smaller individual site footprint.

## 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.*

*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 advised on 19 December 2013 that it had nil comment for DV309.

#### Response:

Noted

### Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 11 December 2013:

*“There are no issues of concern with the proposed change to land use as it is recognised that the area has been used as a car park for many years, mainly as overflow car parking for the Civic region. The removal of this area from the open space system will not impact on the surrounding parkland.*

*The use of the bio-retention wetlands and rain gardens to improve the water quality and contain fuel or oil leaks/spills is supported as these will provide a protective barrier for the adjacent Sullivan’s Creek. It is recommended that the Turner Precinct Code be amended to ensure that this is a requirement for the development.”*

#### Response:

The use of the bio-retention wetlands and rain gardens is considered as part of the measures to improve the water quality of the development site. Further details will need to be provided by the proponent and assessed against relevant water sensitive urban design requirements at the development approval (DA) process. Whether this measure should be implemented will need to be determined at the DA stage and considered together with other relevant measures.

## **Environment Protection Authority**

The Environment Protection Authority provided the following comments on 7 March 2014:

*“During consideration of the draft variation the EPA advised that it has received numerous complaints from occupiers of residential premises located in proximity to bus layovers in relation to noise and odour emissions from idling buses.*

*To address these concerns, noise and air quality modeling from the proposed facility has been carried out by suitably qualified consultants adopting worst case scenarios. The modeling predicts that activities carried out on the site will comply with the Environment Protection Act 1997 in relation to noise and odour impacts at nearby blocks.*

*Considering the above information, the EPA support the proposed Territory Plan variation.”*

### Response:

Noted.

## **ACT Heritage Council**

The Heritage Council provided the following comments on 5 December 2013:

*“There are no registered or nominated heritage places on the land and the proposed draft variation. The DA Taskforce of the Council have noted that the land is part of the larger purpose designed landscape of Sullivans Creek from Lyneham through Turner and the Australian National University to Lake Burley Griffin. The landscape includes a range of broad-leafed deciduous trees, conifers, Eucalyptus species and flowering ornamentals planted in specific mass plantings. The DA Taskforce would seek to ensure that tree plantings on this site that are part of the designed landscape system are retained and managed as part of the future use of the land.”*

### Response:

Noted. The issues DA Taskforce raised about tree plantings will be dealt with at the development approval process.

## Land Custodian – Territory and Municipal Services Directorate (TAMS)

The land custodian provided the following comments on 28 January 2014:

*“The presence of the Sullivans Creek flood retarding basin and the Gross Pollutant Trap (GPT) adjacent to the site has the following impact on the site:*

- *the levee bank adjacent and within the site is used for flood management*
- *there is a risk of piping failure of the levee bank when excavating into the embankment*
- *the site has been used as a temporary flood basin during floods when the Sullivans Creek Flap Gates are closed to collect stormwater from the McKay Street area and part of Braddon*
- *the Barry Drive GPT by-pass pump station directs low flows from Sullivans Creek over the embankment into Block 8, Section 25, Turner when the GPT is cleaned. ”*

*“Public transport...due to the size of the layover facility, TAMS is concerned that using the words “any form of public transport” (in the definition of ‘public transport facility’) 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 in DV309 that the layover is for use by local public transport only. Interstate coach and private operators must be precluded from the site.”*

### Response:

The impacts on the site from the Sullivans Creek flood retarding basin and GPT adjacent to the site have been addressed by the proponent in the revised planning report. Specifically, the revised planning report states that:

- the site is to be maintained to perform a flood management role when developed as a bus layover;
- specific measures have been considered, which will be further developed in detail design stage to protect the facility from the effects of flooding and ensure the efficient operation of the neighbouring stormwater network;
- the current GPT system will be maintained as part of any redevelopment; and
- the integrity of the embankment including by-pass piping is to be considered in the design of the site redevelopment.

Detailed design will be further assessed to the satisfaction of TAMS during the DA process.

The proposed bus layover facility is to be developed for use by the ACT public transport operator ACTION. It will not be made available for any other users such as interstate coach and private operators.

### 3. DRAFT VARIATION

#### 3.1 Variation to the Territory Plan Map

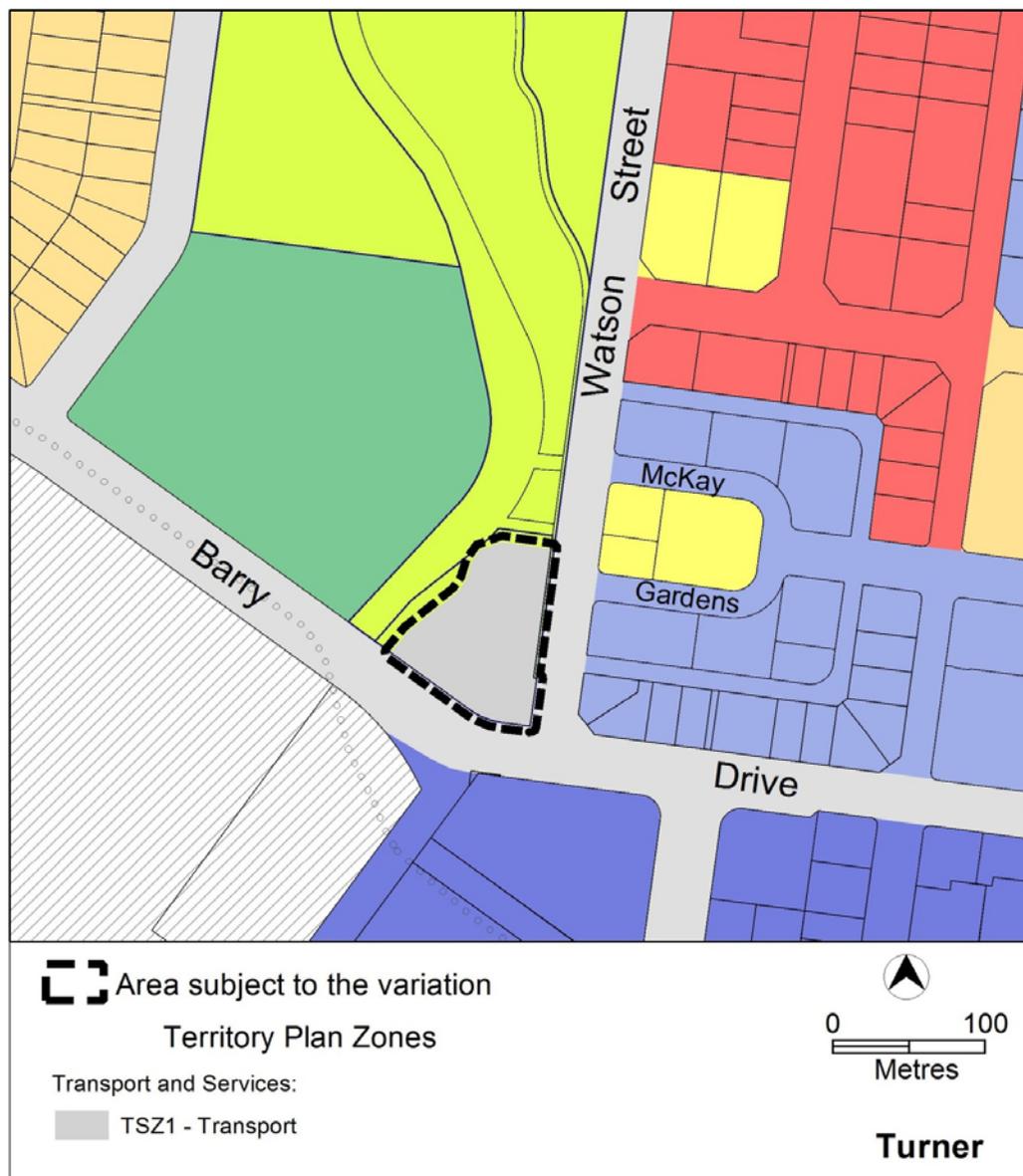
The Territory Plan is varied in all of the following ways:

#### Variation to the Territory Plan Map

##### 1 Territory Plan Map

*Remove Pe – urban open space overlay*

*Substitute with 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)

#### **2 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 telefoniрајте:
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