

# Planning and Development (Draft Variation 384) Consultation Notice 2022 (No 2)\*

Notifiable instrument NI2022—525

made under the

Planning and Development Act 2007, s 63 (Public consultation—notification)

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## 1 Name of instrument

This instrument is the *Planning and Development (Draft Variation 384) Consultation Notice 2022 (No 2)*.

## 2 Draft variation to the Territory Plan

The planning and land authority (the **Authority**) has prepared a draft plan variation 384 – Federal Golf Course Red Hill section 56 parts of block 1 and Garran section 10 part of block 74 (the **draft variation**) to vary the Territory Plan. The draft variation proposes to amend the Red Hill and Garran Precinct Maps and Codes consistent with the Integrated Plan - recommendation 7 in relation to future development for a retirement village at the Federal Golf Course (Red Hill section 56 parts of block 1) with access off Kitchener Street (Garran section 10 block 74).

## 3 Documents available for public inspection

- (1) The Authority gives notice that the following documents are available for public inspection and purchase:
  - (a) the draft variation; and
  - (b) the background papers relating to the draft variation.
- (2) Copies of the documents mentioned in section 3 (1) are available for inspection and purchase at Access Canberra, Land Planning and Building Services Shopfront, 8 Darling Street Mitchell ACT, Monday to Friday (except public holidays) between 8:30am and 4:30pm for the period commencing on the day this notice commences and ending on **2 December 2022** (the **consultation period**).
- (3) Copies of the documents mentioned in section 3 (1) are also available for inspection during the consultation period online at [www.act.gov.au/draftvariations](http://www.act.gov.au/draftvariations).

## 4 Invitation to give written comments

- (1) The Authority invites written comments about the draft variation during the consultation period. Comments should include reference to the draft variation and be addressed to the Territory Plan Section of the Environment, Planning and Sustainable Development Directorate (**EPSDD**). Please also provide your name and contact details to assist in the

\*Name amended under Legislation Act, s 60

assessment of the comments provided and to enable the Authority to contact you in relation to your comments, if required.

(2) Written comments should be provided to the Authority by:

- (a) email to [terrplan@act.gov.au](mailto:terrplan@act.gov.au); or
- (b) mail to Territory Plan Section, EPSDD, GPO Box 158, Canberra, ACT 2601; or
- (c) hand delivery to Access Canberra, Land Planning and Building Services Shopfront, 8 Darling Street, Mitchell ACT.

*Note* All personal information will be managed in accordance with the *Information Privacy Act 2014* and the *EPSDD Information Privacy Policy* which are available through the EPSDD website.

## 5 Public inspection of written comments

- (1) Copies of written comments about the draft variation given in response to the invitation in section 4, or otherwise, or received from the National Capital Authority will be available (unless exempted) for public inspection for a period of at least 15 working days starting 10 working days after the day the consultation period ends, at Access Canberra, Land Planning and Building Services Shopfront, 8 Darling Street, Mitchell, Monday to Friday (except public holidays) between 8:30am and 4:30pm and may be published on the EPSDD website at [www.planning.act.gov.au](http://www.planning.act.gov.au).
- (2) You may apply under section 411 of the *Planning and Development Act 2007* (the *Act*) for part of your consultation comments to be excluded from being made available to the public. A request for exclusion under this section must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria. Please note that your name and contact details and other personal information will not be made public unless you request otherwise.

## 6 Effect of the draft variation

Section 65 of the Act does not apply in relation to the draft variation and therefore it does not have interim effect as a result of notification of this instrument. Where a draft variation does not have interim effect, the current Territory Plan will continue to apply.

## 7 Obtaining further information

Further information about the draft variation can be obtained through email correspondence with the Territory Plan Section, EPSDD, at <mailto:terrplan@act.gov.au>. A reference to the draft variation should be included in any email.

## 8 Dictionary

In this instrument:

***draft plan variation 384 – Federal Golf Course Red Hill section 56 parts of block 1 and Garran section 10 part of block 74*** means the draft plan variation in Schedule 1.

Dianne Stewart  
Delegate of the planning and land authority  
17 October 2022



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Schedule 1

*Planning and Development Act 2007*

# **Draft Variation to the Territory Plan 384**

Federal Golf Course  
Red Hill section 56 parts of block 1  
and  
Garran section 10 part of block 74

**October 2022**

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

This draft Territory Plan Variation 384 (DV384) proposes to implement a key recommendation of the Integrated Plan for Red Hill Nature Reserve and Surrounds. In particular, DV384 proposes to amend the Red Hill and Garran Precinct Maps and Codes consistent with the Integrated Plan - recommendation 7 in relation to future development for a retirement village at the Federal Golf Course (Red Hill section 56 parts of block 1) with access off Kitchener Street (Garran section 10 block 74). Figure 1 refers.

## 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 that 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, Planning and Sustainable Development Directorate (EPSDD). The Director-General of EPSDD is the planning and land authority.

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 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 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 EPSDD (planning and land authority) submits a report on consultation and a recommended final variation to the Minister responsible for planning for referral to the Legislative Assembly standing committee responsible for planning. The Minister must consider any recommendations 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 Public Consultation

Written comments about the draft variation are invited from the public by **2 December 2022**.

Comments should include reference to the draft variation and be addressed to the Territory Plan Section, EPSDD. Please also provide your name and contact details to assist in the assessment of the comments provided, and to enable EPSDD to contact you in relation to your comments, if required. Your personal information will be managed in accordance with the *Information Privacy Act 2014* and the EPSDD Information Privacy Policy, which is available for viewing on EPSDD's website.

Comments can be provided by:

- email to [terrplan@act.gov.au](mailto:terrplan@act.gov.au)
- mail to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- hand delivery to the Access Canberra Land, Planning and Building Services Shopfront, 8 Darling Street, Mitchell ACT.

Copies of written comments received with respect to the draft variation will be made available 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 the Access Canberra, Land, Planning and Building Services Shopfront, 8 Darling Street, Mitchell ACT and will be published on EPSDD's website. Comments made available will not generally include personal contact details unless you request otherwise.

A request may be made for parts of a submission to be 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 parts of your submission 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 Access Canberra Land, Planning and Building Services Shopfront, 8 Darling Street, Mitchell ACT, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 13 22 81 to arrange a copy for purchase.

## 2. EXPLANATORY STATEMENT

### 2.1 Background

The ACT Government has prepared an Integrated Plan for the Red Hill Nature Reserve and Surrounds, primarily in response to the resolution of the Legislative Assembly of 25 October 2017. The resolution calls upon the ACT Government to complete the Integrated Plan before proceeding to prepare and determine any separate proposed draft Territory Plan variations adjoining the Red Hill Nature Reserve.

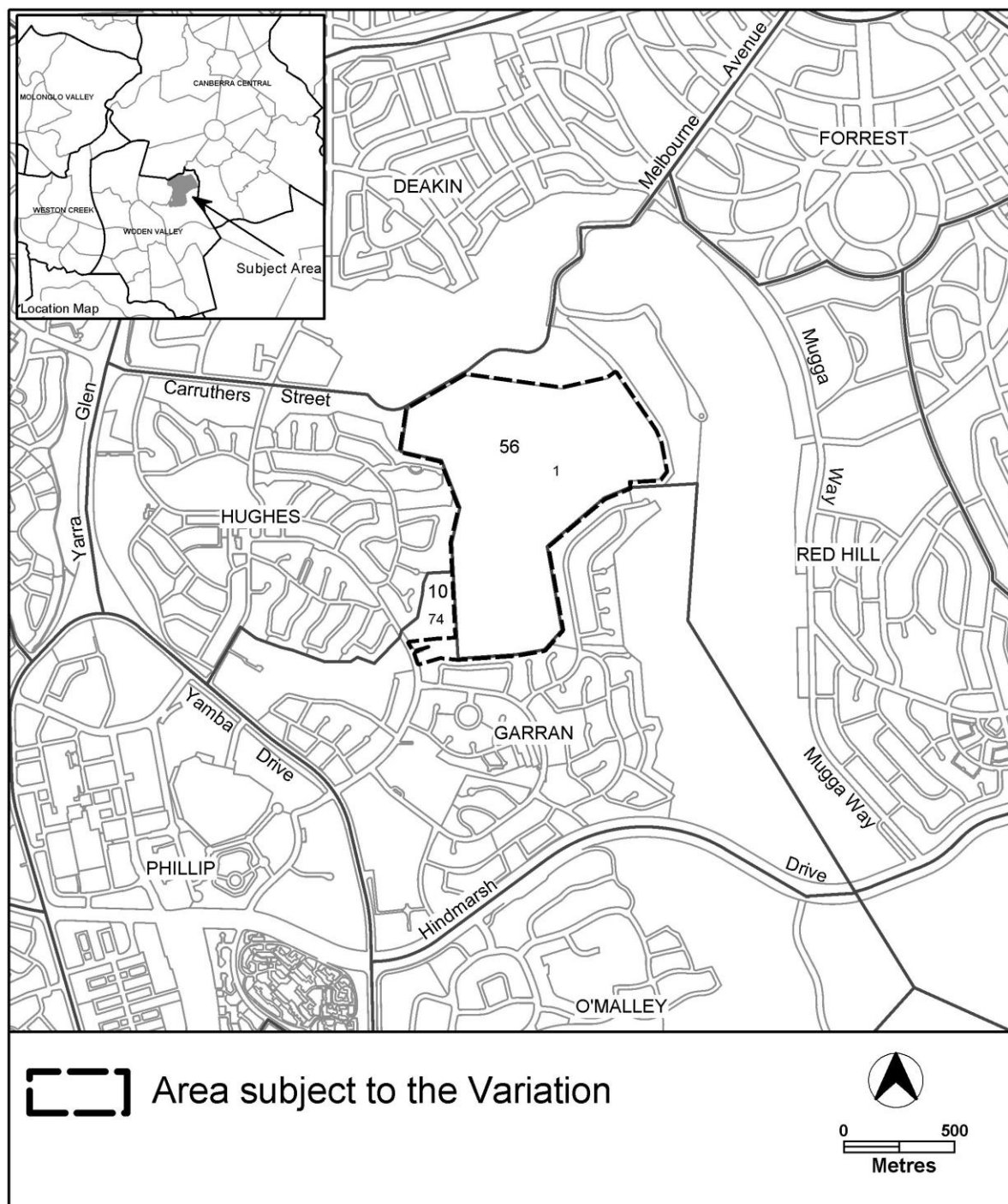
The Integrated Planning Process was conducted over several years and involved extensive input from local and surrounding community and stakeholder groups. It was released for public engagement in December 2019.

The Integrated Plan made a number of recommendations about future development within the area adjoining and surrounding the Red Hill Nature Reserve. This draft variation seeks to implement recommendation 7 of the Integrated Plan:

- a) *Limit the range of commercial and entertainment uses permitted on the golf course under the existing PRZ2 Restricted Access Recreation Zone potentially excluding hotels and motels and further clubs.*
- b) *Retain sufficient land for an 18-hole golf course on the site as well as associated uses.*
- c) *Provide for a 125-unit retirement village at the southern portion of the site.*
- d) *Provide access as follows:*
  - i. *access to the retirement village via Kitchener Street*
  - ii. *retain access to the golf club via Gowrie Drive*
  - iii. *no public access road between the retirement village and the golf club.*
- e) *Protect key ecological values on the site, particularly hollow bearing trees, the interface with the Red Hill Nature Reserve, and where continuous ecological corridors can be provided. This should be managed through careful location and design of:*
  - i. *the retirement village*
  - ii. *the golf course greens and associated infrastructure; and*
  - iii. *the external access road from Kitchener Street and the internal roads.*
- f) *Implement a minimum 50 metre buffer around the golf course and the retirement village adjacent to existing development to:*
  - i. *provide and protect ecological corridors and values*
  - ii. *maintain amenity of surrounding residential areas.*
- g) *Future development of the land should not result in a net loss of canopy coverage or should provide at least 30% canopy coverage, whichever is greater.*

## 2.2 Site Description

The Federal Golf Course is located off Gowrie Drive at Red Hill and includes all of Red Hill section 56, block 1. The site is bounded by the Red Hill Nature Reserve to the north and east. To the west and south the site is bounded by the suburbs of Hughes and Garran respectively. While the existing access to the golf course via Gowrie Drive will be retained, a new access will be provided to the proposed retirement village via Kitchener Street through Garran section 10 block 74.



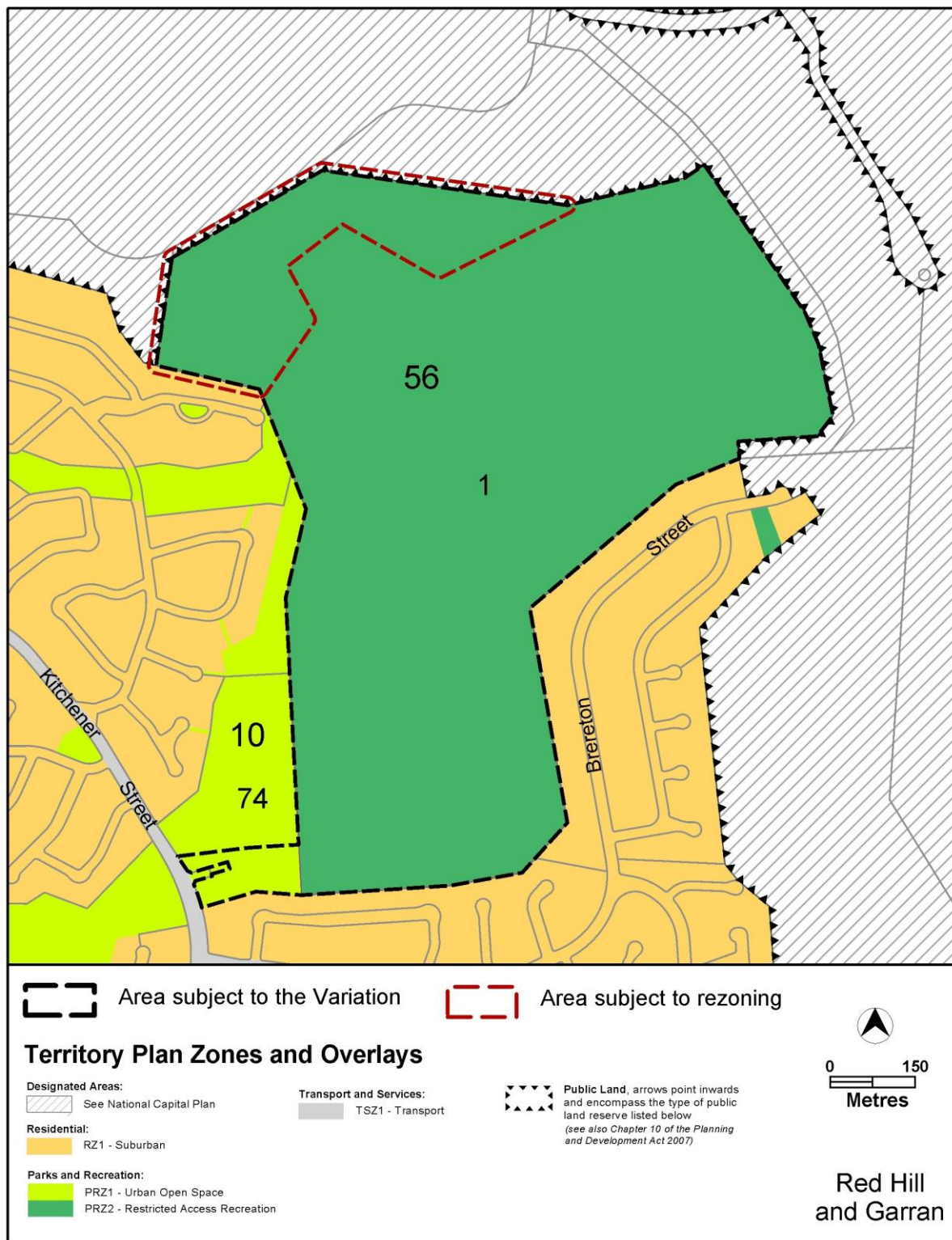
**Figure 1 Location map and area subject to draft Territory Plan variation**



## 2.3 Current Territory Plan Provisions

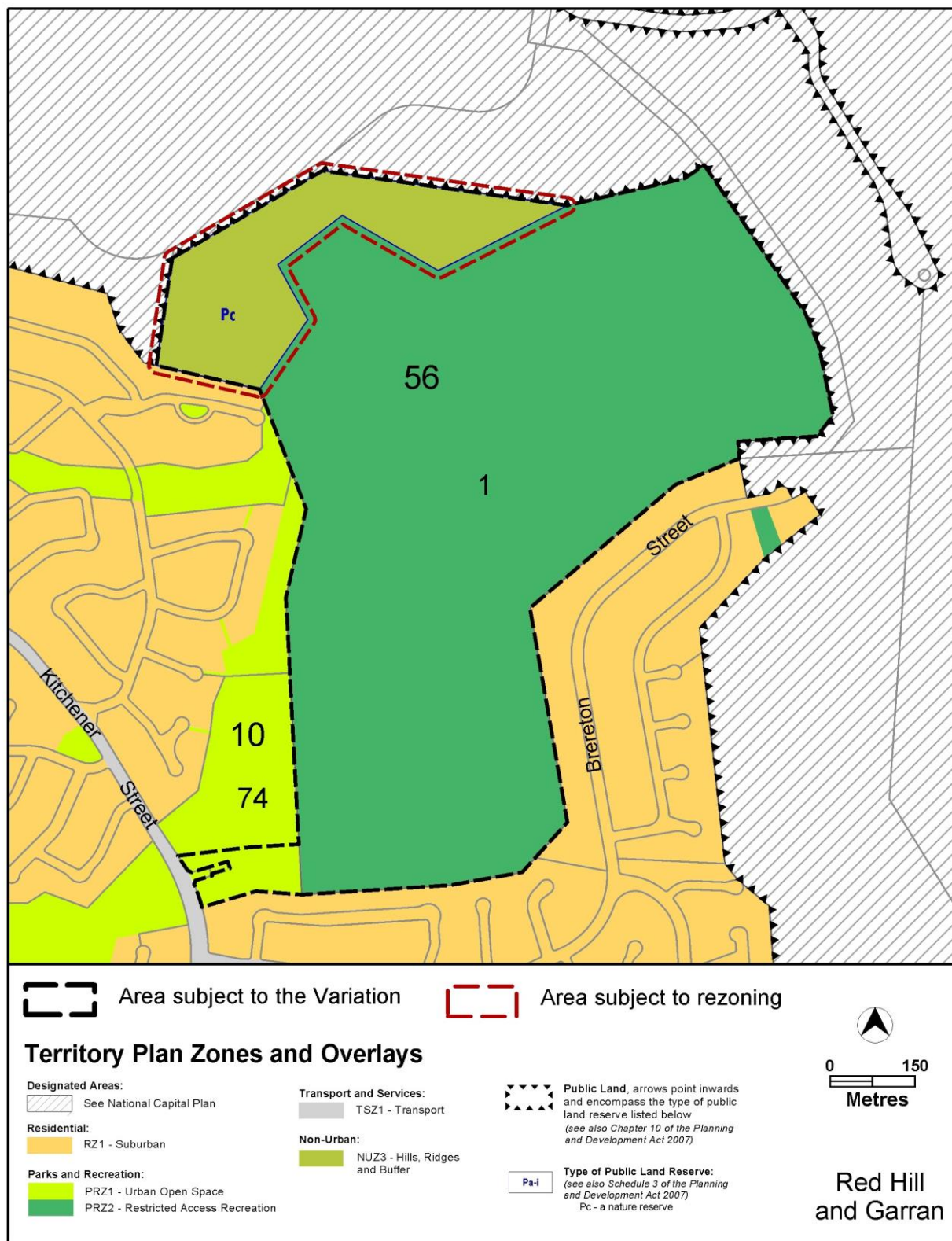
### 2.3.1 Proposed Changes to the Territory Plan Map

The land is currently included in the Parks and Recreation PRZ2 Restricted Access Recreation Zone (PRZ2) and the PRZ1 Urban Open Space Zone (PRZ1) of the Territory Plan, Figure 2 refers.



**Figure 2: Existing Territory Plan zones and area subject to the draft Territory Plan variation**

It is proposed that an area of approximately 10 hectares of land in the north-western corner of the Federal Golf Course be rezoned from PRZ2 Restricted Access Recreation zone to NUZ3 Hills, Ridges and Buffer zone. The public land 'Pc – a nature reserve' overlay will be added to the NUZ3 zone and the site will be incorporated into the Red Hill Nature Reserve.



**Figure 3: Proposed Territory Plan map**

### 2.3.2 Proposed Changes to Territory Plan

This draft variation proposes to change the Red Hill and Garran Precinct Maps and Codes. The existing precinct maps are illustrated in Figures 4 and 5 respectively.

This draft variation proposes to change the Red Hill and Garran Precinct Maps and Codes in the Territory Plan in the following ways:

- Amend the Territory Plan Map to:
  - Rezone approximately 10 hectares of land in the north-western corner of the Federal Golf Course from PRZ2 Restricted Access Recreation zone to NUZ3 Hills, Ridges and Buffer zone; and
  - Add 'Pc – a nature reserve' public land overlay.
- Amend the Red Hill Precinct Map and Code to:
  - Amend Table 1 – additional prohibited development - to include PD2 additional prohibited development at the Federal Golf Course site section 56 block 1 to reduce the range of uses currently permitted in this location;
  - Amend Table 2 – additional merit track development – to include MT2 additional merit to allow a retirement village and associated uses on the site; and
  - Include a new set of rules and criteria RC2 – Federal Golf Course to guide the future development of the retirement village consistent with Recommendation 7 of the Red Hill Integrated Plan.
- Amend the Garran Precinct Map to include a new Garran suburb precinct code with a new set of rules and criteria RC1 – Kitchener Street Access to guide future development of the proposed access to the Federal Golf Course from Kitchener Street through Garran section 10 block 74.



# Red Hill Precinct Map

The map displays the Red Hill Precinct with its various zones and boundaries. The main map shows the precinct's location relative to Deakin, Forrest, Griffith, and Garran. Key streets include Moresby Street, Montano Crescent, Hindmarsh Drive, and Drive. The precinct is divided into several zones: RC1 (Residential Community), MT1 (Merit Track), and PD1 (Prohibited Development). A dashed line indicates the 'Division Boundary of Red Hill'. An inset map, labeled 'Inset A', provides a detailed view of a specific area, showing a scale bar (0-100 Metres) and a north arrow. The inset map shows a residential area with streets numbered 25, 26, 27, 28, 29, 30, 31, 32, and 33. The inset map also shows the 'Division Boundary of Red Hill' and the 'Area subject to the Variation'.

**PDn** Additional prohibited development applies see Table 1

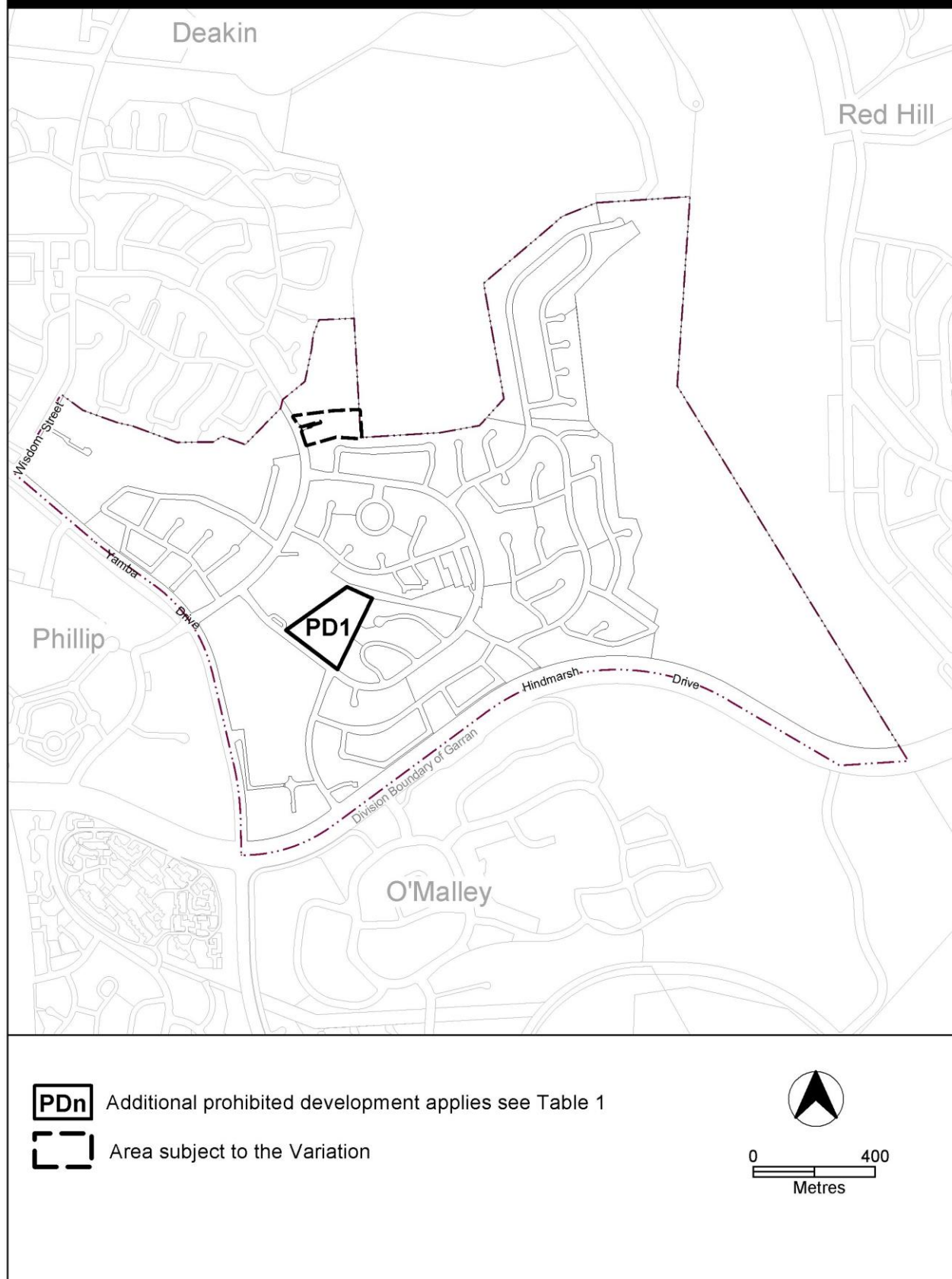
**MTn** Additional merit track development applies see Table 2

Area subject to the Variation

0 400 Metres

**Figure 4: Existing Red Hill Precinct map and area subject to the draft Territory Plan variation**

# Garran Precinct Map



**Figure 5 Existing Garran Precinct map and area subject to the draft Territory Plan variation**

## 2.4 Reasons for the Proposed Draft Variation

The primary reason for the draft variation is to implement recommendation 7 of the Red Hill Integrated Plan to:

- retain sufficient land for an 18 hole golf course to effectively operate on the site;
- limit the range of uses currently permitted on the site;
- allow the development of a retirement village up to a maximum of 125 units at the southern end of the golf course with access via Kitchener Street; and to
- minimise potential impacts on the existing ecological values of the site and on the residential amenity of the surrounding low density residential areas.

## 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 requires that the Territory Plan is not inconsistent with the NCP.

### 2.5.2 ACT Planning Framework

#### Statement of Strategic Directions

The Statement of Strategic Directions sets out the principles for giving effect to the main objective of the Territory Plan as required by the *Planning and Development Act 2007*. The draft variation 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. This includes all of the following:

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

*1.6 The pattern of development is to reflect land capability constraints resulting from topography, soils, geotechnical factors, drainage, natural hazards, microclimate and the sensitivity of ecosystems. Particular attention will be given to the need to conserve soil, water and vegetation; maintain biological diversity; safeguard important ecosystems and ecological processes; and provide and protect wildlife corridors.*

*1.9 Urban expansion will be contained in order to minimise impacts on valuable natural and rural areas.*

*1.18A Development is planned to promote active living through the following six principles:*

- a) providing connectivity between uses and activity nodes*
- b) preserving open space*
- c) encouraging mixed land use and density*
- d) ensuring public places are safe and attractive for all*
- e) providing supportive infrastructure that encourages regular physical activity*
- f) ensuring environments promote social inclusion, and are equitable and where practicable are accessible by all.*

*1.21 Provision of affordable, adaptable and special-needs housing will be promoted throughout the city, as well as modification or redevelopment of existing stock to meet emerging social needs.*

*2.2 Future residential settlement will be accommodated through development of greenfields areas, subject to detailed feasibility and suitability studies; some expansion of existing towns; and appropriate use of suitable vacant or underdeveloped sites.*

*2.16 Retention of Canberra's unique landscape setting, including the integration of natural and cultural elements that create its 'garden city' and 'bush capital' qualities, will be accorded the highest priority. Special attention will be given to safeguarding visual amenity, protecting vegetation and other important features within the established urban landscape, and ensuring the high quality of environmental design in new developments or redevelopment.*

## ACT Planning Strategy 2018

The draft variation is consistent with the following elements of the ACT Planning Strategy:

*1.1.1 To manage growth and achieve a compact and efficient city, work towards achieving up to 70% of new housing within the existing urban footprint by identifying, investigating and planning for infill development in:*

- urban intensification areas (see action 1.1.2 below)*
- areas within the existing residential footprint*
- areas close to local centres.*

*3.5.2 Incorporate consideration of natural habitat and conservation areas into urban planning and design processes to promote habitat connectivity and support the establishment of biodiversity refuges.*

*Direction 4.4 Deliver housing that is diverse and affordable to support a liveable city.*

## 2.6 Interim Effect

Section 65 of the Planning and Development Act 2007 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.

## 2.7 Consultation with Government Agencies

EPSDD 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
- the Transport Canberra and City Services Directorate as the Land Custodian of Garran section 10 block 74.

### National Capital Authority

The NCA provided the following comments on 16 December 2021:

*The proposed land use of a retirement village and other amendments to the Red Hill and Garran Precinct Maps and Codes are not inconsistent with the National Capital Plan (the Plan). The NCA has no concerns regarding the majority of the draft variation, except in section 2.3.1.*

*Section 2.3.1 of DV384 identifies a portion of land to be included into the Red Hill Nature Reserve and states: "... additional variation will involve an amendment to the National Capital Plan to remove the land from the Territory Plan and to include it into the designated area of the National Capital Plan so that it can be incorporated into the adjoining nature reserve."*

*Section 56 Red Hill sits within Urban Areas under the Plan. A nature reserve falls within the definition of 'Nature Conservation Area' under the Plan. This land use is permitted within Urban Areas and the proposal to include a portion of the block into the Red Hill Nature Reserve is not inconsistent with the Plan.*

*An amendment to the Plan is not required for the Territory to incorporate the subject land in a nature reserve; detailed planning responsibility for this portion of the nature reserve can remain with the Territory. This is similar to some other nature reserve areas in the ACT, such as parts of Bruce Ridge.*



## Response

The comments about the proposed development at the Federal Golf Course are noted. The Territory also acknowledges the National Capital Authority advice about the proposed expansion of the Red Hill Nature Reserve. The draft variation has been amended to remove the references relating to amendments to the National Capital Plan in order to increase the area of the Red Hill Nature Reserve.

### **Conservator of Flora and Fauna**

The Conservator of Flora and Fauna made the following comments on 8 February 2022:

*The Red Hill Integrated Plan requires the Federal Golf Course to protect key ecological values on the site, particularly hollow bearing trees, the interface with the Red Hill Nature Reserve, and where continuous ecological corridors can be provided.*

*The following amendments, highlighted in red, are submitted, to support this provision.*

*Element 9 – rules for protecting environmental values*

#### **Element 9: Environment**

<b>Rules</b>	<b>Criteria</b>
<b>9.1 Ecological values</b>	
<p>R26</p> <p><i>All remnant native trees must be assessed to determine if they can be nominated as Registered trees on the Tree Protection Act (2005)</i></p> <p><i>All trees that meet the criteria for listing as registered trees are to be formally nominated.</i></p> <p><i>An ecological assessment of the site is prepared for endorsement of the Conservator of Flora and Fauna and includes all of the following:</i></p> <ul style="list-style-type: none"><li><i>a) identification of the ecological values of the site</i></li><li><i>b) assessment of the potential impacts of development on the ecological values of the site this must include an assessment of the impacts on Gang-gang Cockatoo, Superb Parrot, Mature Native Trees and wildlife connectivity and movement, light spill on bats, along with other identified values</i></li><li><i>c) An avoidance plan that identifies critical ecological values that must be protected from development impacts and maintained into the future.</i></li><li><i>d) strategies to minimise the residual impacts of development on the ecological values of the site including:</i></li></ul>	<p><i>This is a mandatory rule. There is no applicable criterion</i></p>

<ul style="list-style-type: none"> <li>(i) <i>the location of the retirement village buildings, structures and associated infrastructure and facilities to minimise loss of ecological values on the site</i></li> <li>(ii) <i>preparation of a landscape plan to enhance and protect existing ecological values of the site including use of locally endemic native species</i></li> <li>(iii) <i>enhancement of the existing natural corridors and connections through the site that link the surrounding open space network to the Red Hill Nature Reserve</i></li> <li>(iv) <i>Identification of any environmental offsets associated with development of the site.</i></li> </ul>	
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#### *Additional rules and criteria for the Kitchener Street Access*

*We further recommend that rules requiring ecological assessment are added to the additional rules and criteria for the Kitchener Street Access. The rule should stipulate;*

*An ecological assessment of the site is prepared for endorsement of the Conservator of Flora and Fauna and includes all of the following:*

- a) identification of the ecological values of the site*
- b) assessment of the potential impacts of development on the ecological values of the site*
- c) strategies to minimise the residual impacts of development on the ecological values of the site.*

The Conservator of Flora and Fauna made the following additional comments on 19 August 2022:

*The incorporation of [the area to the north west of the golf course into the] Red Hill Nature Reserve is supported.*

#### Response

The comments are noted, including support for the incorporation of the area shown with a Pc public land overlay in Figure 3 into the Red Hill Nature Reserve. The draft variation has been amended to incorporate the additional matters raised in Conservator's comments consistent with the Territory Plan code format and style guidelines. This will require an assessment of the trees to be provided with the development application for the site, noting the quality of the trees, whether any are appropriate for removal and whether any can be nominated as Registered trees on the Tree Protection Act (2005). Any registration of trees is to occur before development works commence.

Figure 6 below identifies the areas of the site that will be the primary focus of investigations for development, with access off Kitchener Street.



### Legend

- 50m wildlife corridor and resident amenity protection (refer to 2.1 (f) of TPV384)
- Land reserved for retention of 18-hole golf course (refer to 2.1 (b) of TPV384)
- Investigation area for 125-unit retirement village

**Figure 6: snapshot of the primary area of investigation for future development**

## Environment Protection Authority

The Environment Protection Authority provided the following comments on 13 January 2022

*The Office of the Environment Protection Authority (EPA) has reviewed the Draft Territory Plan variation – DV384 – and provides the following comments:*

*Consistent with previous advice on the proposed retirement village and advice provided on the Red Hill Integrated Plan for development in the areas covered by DV384:*

- An environmental assessment of the proposed redevelopment area must be undertaken by a suitably qualified environmental consultant to determine whether past activities have impacted the site and to determine whether the site is suitable for the proposed uses from a contamination perspective.*
- The assessment and remediation (if required) must be in accordance with the ACT EPA Contaminated Sites Environment Protection Policy and EPA endorsed guidelines.*
- Prior to any redevelopment at the site the findings of the assessment(s) must be reviewed and endorsed by the EPA.*
- Noise from recreation activities has the potential to impact on nearby residents. It is recommended that the location of these activities, as well as their permitted times, consider the amenity of residents.*

## Response

The comments are noted and the draft variation has been updated to include a requirement for an environmental assessment.

## Heritage Council

The Heritage Council provided the following comments on 11 February 2022:

*The footprint of the redevelopment area will cover approximately half of the area of the existing Golf Course, mainly concentrated in the southern part of the block (to the east of Kitchener Street in Garran).*

*The area of the Golf Course includes highly developed fairways with all natural vegetation removed, interspersed with belts of native trees without understory growth. A review of the ACT Heritage Register has not identified any recorded or registered heritage places or objects on this block, and given that the ground has already been highly modified, it is considered unlikely that any would be found in the development area. The block in Garran, which is proposed to be used for an access road to the village, similarly does not contain any registered or recorded heritage places.*

*The Council notes that the Heritage Act 2004 affords automatic protection to Aboriginal places on discovery, and so any development proposal which might arise under these amendments would require an unanticipated discovery protocol (UDP) to be included in its Construction Environmental Management Plan (CEMP). The Council considers that this would provide an appropriate level of heritage protection for the unexpected discovery of any heritage places.*

**Advice:**

*The Council considers that the proposed amendments to the Precinct Maps and Codes are unlikely to diminish heritage significance and does not object to Draft Variation 384, subject to the inclusion of a heritage UDP in future CEMPs for any associated construction works.*

**Response**

The comments are noted. It is clarified that the footprint for the proposed future retirement village will be considerably less than half the golf the course, as limited by provisions incorporated into the Red Hill precinct code including: a requirement for an 18 hole golf course to be retained on the entire site; building setbacks, and environmental and ecological investigations and the like.

The draft variation has been amended to incorporate the additional matters raised by the Heritage Council for *the unanticipated discovery protocol (UDP) to be included in its Construction Environmental Management Plan (CEMP)*.

**Transport Canberra and City Services Directorate as Land Custodian of Garran section 10 block 74**

The land custodian provided the following comments on 8 February 2022:

*There are no comments.*

**Response**

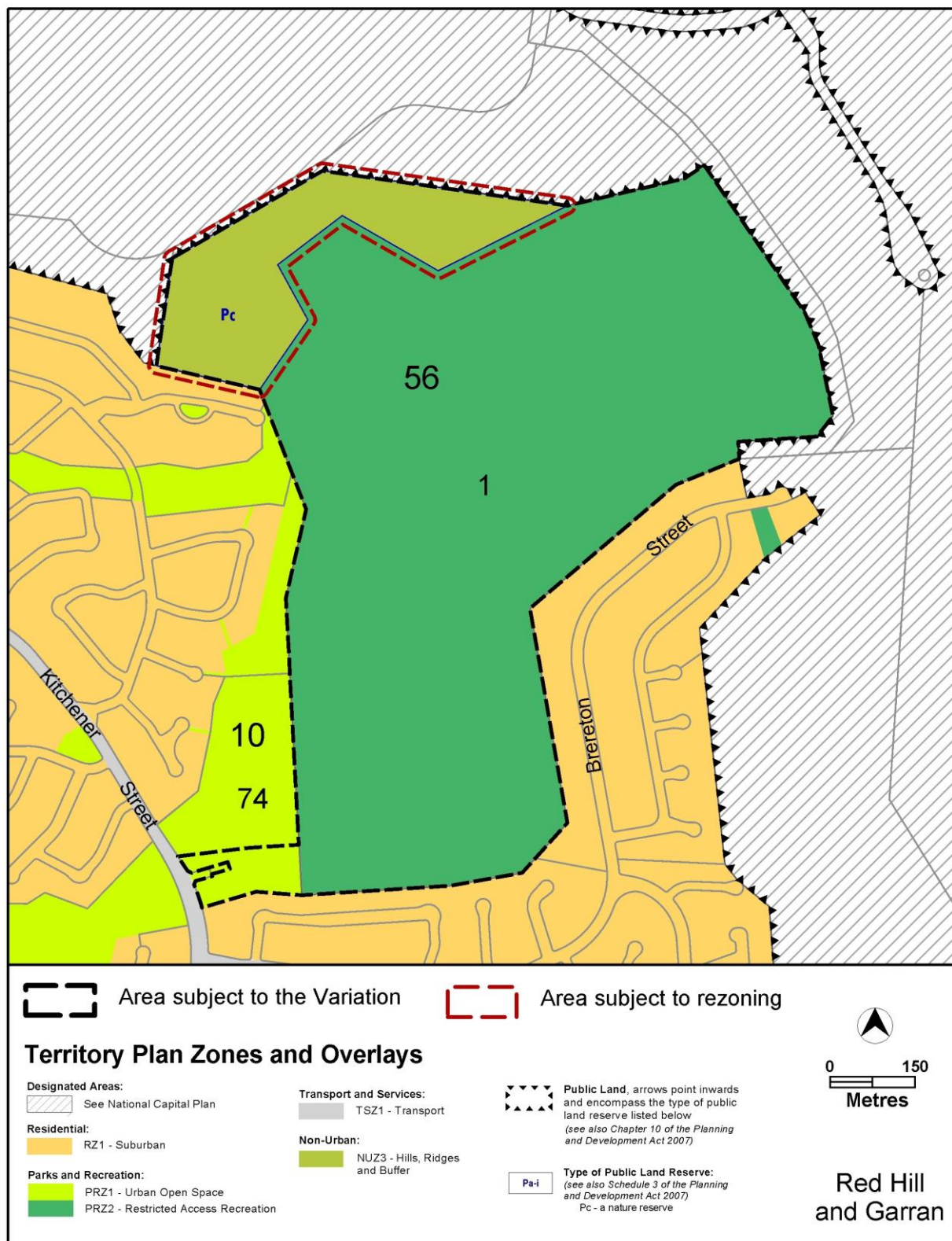
Noted.



### 3. DRAFT VARIATION TO THE TERRITORY PLAN

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

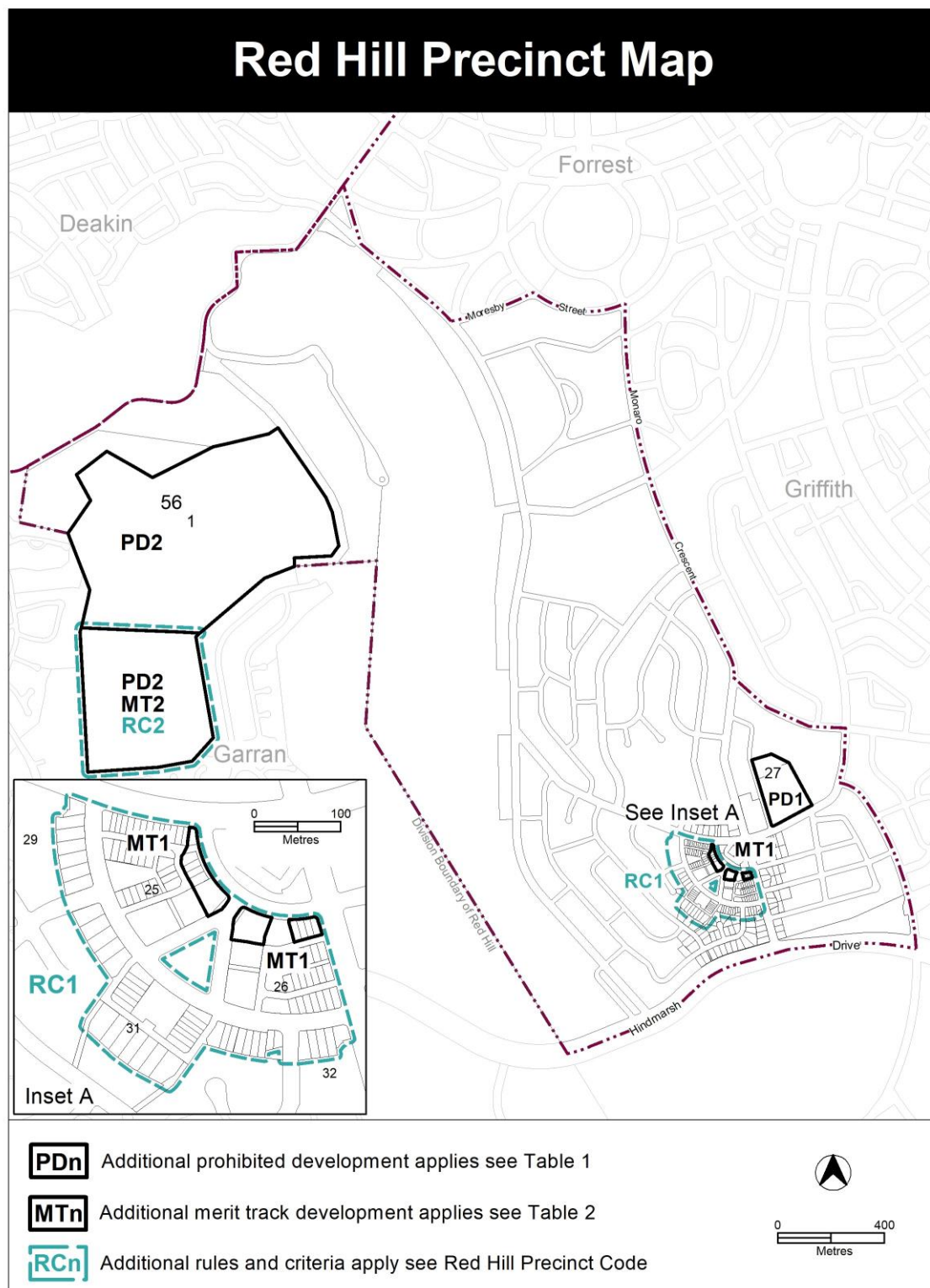
#### Variation to the Territory Plan Map



# Variation to the Red Hill Precinct Map and Code

## 1. Red Hill Precinct Map

*Substitute with the following Red Hill Precinct Map*



## 2. Assessment Tracks – Table 1

*Substitute with the following Table 1*

**Table 1 – Additional prohibited development**

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CFZ	retirement village supportive housing
PD2	PRZ2	Hotel Motel

## 3. Assessment Tracks – Table 2

*Substitute with the following Table 2*

**Table 2 – Additional merit track development**

Additional merit track development		
Suburb precinct map label	Zone	Development
MT1	RZ5	business agency office
MT2	PRZ2	Retirement village

## 4. Additional Rules and Criteria RC2 – Federal Golf Course

*Insert Appendix A after RC1 Figure 6 Landscaping*

## Variation to the Garran Precinct Map and Code

## 5. Garran Precinct Map and Code

*Substitute the existing Garran Precinct Map with Appendix B - Garran Precinct Map and Code*



## Interpretation service

ENGLISH	If you need interpreting help, telephone:
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### TRANSLATING AND INTERPRETING SERVICE

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## RC2 – Federal Golf Course

This part applies to blocks and parcels identified in area RC2 shown on the Red Hill Precinct Map.

### Element 8: Use

Rules	Criteria
<b>8.1 Club</b>	
<p>R25</p> <p>Development of a <i>club</i> is only for the purposes of a golf club.</p>	<p>This is a mandatory rule. There is no applicable criterion.</p>
<b>8.1 Retirement village</b>	
<p>R26</p> <p>Development is focused primarily within the investigation area identified in Figure 7 and must comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) Development is restricted to a maximum of 125 units</li> <li>b) <i>Subdivision</i> of a lease developed for the <i>retirement village</i>, including subdivision under the <i>Unit Titles Act 2001</i>, is not permitted</li> <li>c) vehicular access to the <i>retirement village</i> is provided from Kitchener Street</li> <li>d) no public vehicular access is provided to the <i>retirement village</i> from Gowrie Drive through the golf course</li> <li>e) no public vehicular access is provided to the golf course, club house and associated facilities from the <i>retirement village</i></li> <li>f) buildings and structures are setback a minimum of 50 metres from residential zoned blocks as indicated on Figure 7</li> <li>g) development does not diminish or inhibit the opportunity for an 18 hole golf course and associated facilities to operate on the balance of the site.</li> </ul>	<p>This is a mandatory rule. There is no applicable criterion.</p>



**Figure 7: Development location and setbacks**

## Element 9: Environment

Rules	Criteria
<b>9.1 Trees</b>	
<p><b>R27</b></p> <p>A tree assessment is prepared for the endorsement of the Conservator of Flora and Fauna and includes all of the following:</p> <ul style="list-style-type: none"> <li>a) all remnant native trees are assessed to determine if they can be nominated as Registered trees on the <i>Tree Protection Act (2005)</i></li> <li>b) all trees that meet the criteria for listing as registered trees are formally nominated.</li> </ul>	<p>This is a mandatory rule. There is no applicable criterion.</p>
<p>There is no applicable rule.</p>	<p><b>C28</b></p> <p>Future development of the land should achieve whichever is the greater of the following:</p> <ul style="list-style-type: none"> <li>a) not result in a net loss of canopy coverage measured at a mature height or</li> <li>b) provide at least 30% canopy coverage measured at a mature height.</li> </ul>

Rules	Criteria
<b>9.2 Ecological values</b>	
<p>R29</p> <p>An ecological assessment of the site is prepared for endorsement of the Conservator of Flora and Fauna and includes all of the following:</p> <ul style="list-style-type: none"> <li>a) identification of the ecological values of the site</li> <li>b) assessment of the potential impacts of development on the ecological values of the site including include an assessment of the impacts on Gang-gang Cockatoo, Superb Parrot, Mature Native Trees and wildlife connectivity and movement, light spill on bats, along with other identified values</li> <li>c) An avoidance plan that identifies critical ecological values that must be protected from development impacts and maintained into the future.</li> <li>d) strategies to minimise the residual impacts of development on the ecological values of the site including: <ul style="list-style-type: none"> <li>(i) the location of the <i>retirement village</i> buildings, structures and associated infrastructure and facilities to minimise loss of ecological values on the site</li> <li>(ii) preparation of a landscape plan to enhance and protect existing ecological values of the site including use of locally endemic native species</li> <li>(iii) enhancement of the existing natural corridors and connections through the site that link the surrounding open space network to the Red Hill Nature Reserve</li> <li>(iv) Identification of any environmental offsets associated with development of the site.</li> </ul> </li> </ul>	<p>This is a mandatory rule. There is no applicable criterion.</p>
<b>9.3 Contamination</b>	
<p>R30</p> <p>An environmental assessment report for the development is endorsed by the Environment Protection Authority.</p> <p><i>Note: A condition of development approval may be imposed to ensure compliance with the endorsed site assessment report.</i></p>	<p>This is a mandatory rule. There is no applicable criterion.</p>

Rules	Criteria
<b>9.4 Heritage</b>	
<p>R31</p> <p>An 'Unanticipated Discovery Protocol' is to be included in a Construction Environmental Management Plan (CEMP) and is to include provisions for the assessment and management of any unexpected heritage discoveries during construction is endorsed by the ACT Heritage Council.</p> <p>Note: A condition of development approval may be imposed to ensure compliance with this rule.</p>	<p>C31</p> <p>If an 'Unanticipated Discovery Protocol' endorsed by ACT Heritage council is not provided the application will be referred to the ACT Heritage Council.</p>

## Element 10: siting and design

Rules	Criteria
<b>10.1 Building heights</b>	
<p>R32</p> <p>The maximum building height is 3 storeys.</p>	<p>This is a mandatory rule. There is no applicable criterion.</p>
<b>10.2 Adaptable housing</b>	
<p>R33</p> <p>All dwellings meet both of the following:</p> <ul style="list-style-type: none"> <li>a) Australian Standard AS4299 Adaptable housing (Class C)</li> <li>b) Access and Mobility General Code'.</li> </ul>	<p>This is a mandatory rule. There is no applicable criterion.</p>
<b>10.3 Amenity</b>	
	<p>C34</p> <p>Buildings accommodating supportive housing or retirement village achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) consistency with the desired character</li> <li>b) reasonable levels of privacy for dwellings on adjoining residential zoned blocks and their associated private open space</li> <li>c) solar access to dwellings on adjoining residential zoned blocks and their associated private open space is maintained</li> <li>d) compatibility with exterior building materials of existing buildings in the locality.</li> </ul>

Rules	Criteria
<b>10.4 Waste management</b>	
There is no applicable rule.	<p>C35</p> <p>Post occupancy waste management achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) reasonable levels of residential amenity for dwellings and their associated private open space on the subject site</li> <li>b) reasonable levels of amenity for dwellings on adjoining residential zoned blocks and their associated private open space.</li> </ul>



**ACT**  
Government

Environment and  
Sustainable Development

# Garran Precinct Map and Code

# Garran Precinct Map



Additional prohibited development applies see Table 1



Additional rules and criteria apply see Garran Precinct Code



0 400  
Metres



# Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Garran Precinct Map (identified as PDn or MTn). Development that is exempt from requiring development approval, other prohibited development and the minimum assessment track applicable to each development proposal is set out in the relevant zone development table.

The following tables constitute part of the relevant zone development table.

**Table 1 – Additional prohibited development**

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CFZ	<i>retirement village</i> <i>supportive housing</i>

# Garran Precinct Code

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# Introduction

## Name

The name of this code is the **Garran Precinct Code**.

## Application

The code applies to the Division of Garran.

## 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 additional rules and/or criteria for particular blocks or parcels identified as areas RCn on the 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” are found where a criterion only is applicable.

## Code hierarchy

Under the *Planning and Development Act 2007*, 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**

EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
EPSDD	ACT Environment, Planning and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TCCS	ACT Transport Canberra and City Services

## Additional rules and criteria

This part applies to blocks and parcels identified in the Garran Precinct Map (RCn). It should be read in conjunction with the relevant zone development code and related codes.

## RC1 – Kitchener Street Access

### Element 1: Site access

Rules	Criteria
<b>1.1 Roads</b>	
<p><b>R1</b></p> <p>Development of a <i>road</i> intended to provide access to a <i>retirement village</i> at Red Hill section 56 part of block 1 complies with all of the following:</p> <ul style="list-style-type: none"><li>a) a public <i>road</i> is constructed to provide access to the <i>retirement village</i> at the Federal Golf Course</li><li>b) the <i>road</i> utilises the existing access to block 73 section 10 Garran of Kitchener Street, having regard to intersection safety and design considerations</li><li>c) the <i>road</i> is setback a minimum 50 metres from residential blocks</li><li>d) development of the <i>road</i> does not diminish or inhibit recreational opportunities and maintenance of ecological values on the balance of the site.</li></ul>	<p>This is a mandatory rule. There is no applicable criterion.</p>
<p><b>R2</b></p> <p>The following is endorsed by TCCS:</p> <ul style="list-style-type: none"><li>a) a traffic and parking feasibility study is prepared for all development at Red Hill section 56 part of block 1 that intends to gain access via Kitchener Street</li><li>b) the design and construction of the public <i>road</i></li><li>c) the design and construction of the upgrade to intersection of the <i>road</i> with Kitchener Street is consistent with TCCS standards and requirements</li><li>e) any necessary upgrades to Kitchener Street to accommodate the traffic generated by the <i>retirement village</i>.</li></ul>	<p>This is a mandatory rule. There is no applicable criterion.</p>

Rules	Criteria
<b>1.2 Stormwater Management</b>	
<p>R3</p> <p>A Stormwater Management Plan is prepared in relation to the road and any associated stormwater runoff expected from development at Red Hill section 56 part of block 1 is endorsed by TCCS.</p>	<p>This is a mandatory rule. There is no applicable criterion.</p>
<b>1.3 Offsite works</b>	
<p>R4</p> <p>The following offsite works are endorsed by TCCS:</p> <ul style="list-style-type: none"> <li>a) restoration of and provision for recreational opportunities on the balance of the block as impacted by the <i>road</i></li> <li>b) restoration of and provision for landscaping associated with ecological values links and corridors on the site as impacted by the <i>road</i></li> <li>c) Any necessary upgrades to infrastructure to manage stormwater runoff from the <i>road</i> and development at Red Hill section 56 part of block 1.</li> </ul>	<p>This is a mandatory rule. There is no applicable criterion.</p>

## Element 2: Environment

Rules	Criteria
<b>2.1 Ecological Values</b>	
<p>R5</p> <p>An ecological assessment of the site is prepared for endorsement of the Conservator of Flora and Fauna and includes all of the following:</p> <ul style="list-style-type: none"> <li>a) identification of the ecological values of the site</li> <li>b) assessment of the potential impacts of development on the ecological values of the site</li> <li>c) strategies to minimise the residual impacts of development on the ecological values of the site.</li> </ul>	<p>This is a mandatory rule. There is no applicable criterion.</p>