

Planning and Development (Plan Variation No 307) Notice 2012*

Notifiable Instrument NI2012-201

made under the

Planning and Development Act 2007, section 76(3)

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 307) Notice 2012*.

2 Plan Variation 307

On 19 April 2012, the Minister for the Environment and Sustainable Development approved a draft of the attached plan variation under s 76 (3).

Ben Ponton

Delegate of the Planning and Land Authority

23 April 2012

*Name amended under Legislation Act, s 60

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



ACT
Government
Environment and
Sustainable Development

**ACT Planning and
Land Authority**

Variation to the Territory Plan 307

Griffith, Section 42 Block 15

- Change of zoning from commercial CZ6 leisure and accommodation zone to RZ4 medium density residential zone
- Amendment of the Griffith precinct code

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1. EXPLANATORY STATEMENT

1.1 Background

This variation rezones land at Austin Street Griffith (section 42, block 15) from the commercial CZ6 leisure and accommodation zone to the RZ4 medium density residential zone. It also amends the Griffith precinct code by including provisions relating to the site.

The commercial CZ6 leisure and accommodation zoning of the land reflects the previous use of the site as the Canberra South Bowling and Recreation Club. The bowling club utilised the site until 1998, when by mutual arrangement it provided the Brumbies Rugby with training and administrative facilities on the site. This continued until 2007 when the bowling club went into voluntary administration and in 2008 the site was sold to Brumbies Rugby. At that time, bowling activities were relocated to Canberra West and Forrest Bowling Clubs.

The Brumbies Rugby has been the sole occupier of the site since then and it is currently used as the Brumbies Rugby headquarters and part of its training centre.

1.2 Summary of the proposal

Variation 307 changes the zone of Griffith section 42 block 15 from commercial CZ6 leisure and accommodation to RZ4 medium density residential zone to allow for medium density housing up to 3 storeys in height. The Griffith precinct code is also amended to include provisions relating to future redevelopment of the site for medium density housing.

The proposal is consistent with the Canberra Spatial Plan, the Draft ACT Planning Strategy and the Statement of Strategic Directions of the Territory Plan because of the following considerations:

- The site is well proportioned and of sufficient size to accommodate medium density residential redevelopment
- The site is separated from surrounding low density residential areas by Austin Street to the south and open space area to the north, east and west
- The current zoning of the site primarily reflects a former use that has not operated on the site for more than three years.
- Many of the uses permitted in the commercial CZ6 leisure and accommodation zone are permitted in other commercial zones and are more appropriately

undertaken in commercial centres rather than in an established residential neighbourhood

- The site is well located close to commercial and employment centres at Manuka, Kingston and Civic and close to public transport along Captain Cook Crescent
- The rezoning will increase housing choice in the Griffith/ Forrest area without directly affecting existing single dwelling housing.
- The rezoning will further assist in offsetting the population decline that occurred in South Canberra after its peak in 1961.

1.3 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 *Australian Capital Territory (Planning and Land Management) Act 1988* also requires that the Territory Plan is not inconsistent with the NCP.

1.4 Site Description

The site (Figure 1) is located at Austin Street, Griffith section 42, block 15. The site is surrounded on three sides by open space with Captain Cook Crescent to the east, La Perouse Street to the west and an open space corridor to the north. To the south across Austin Street are Wells Gardens and residential dwellings.

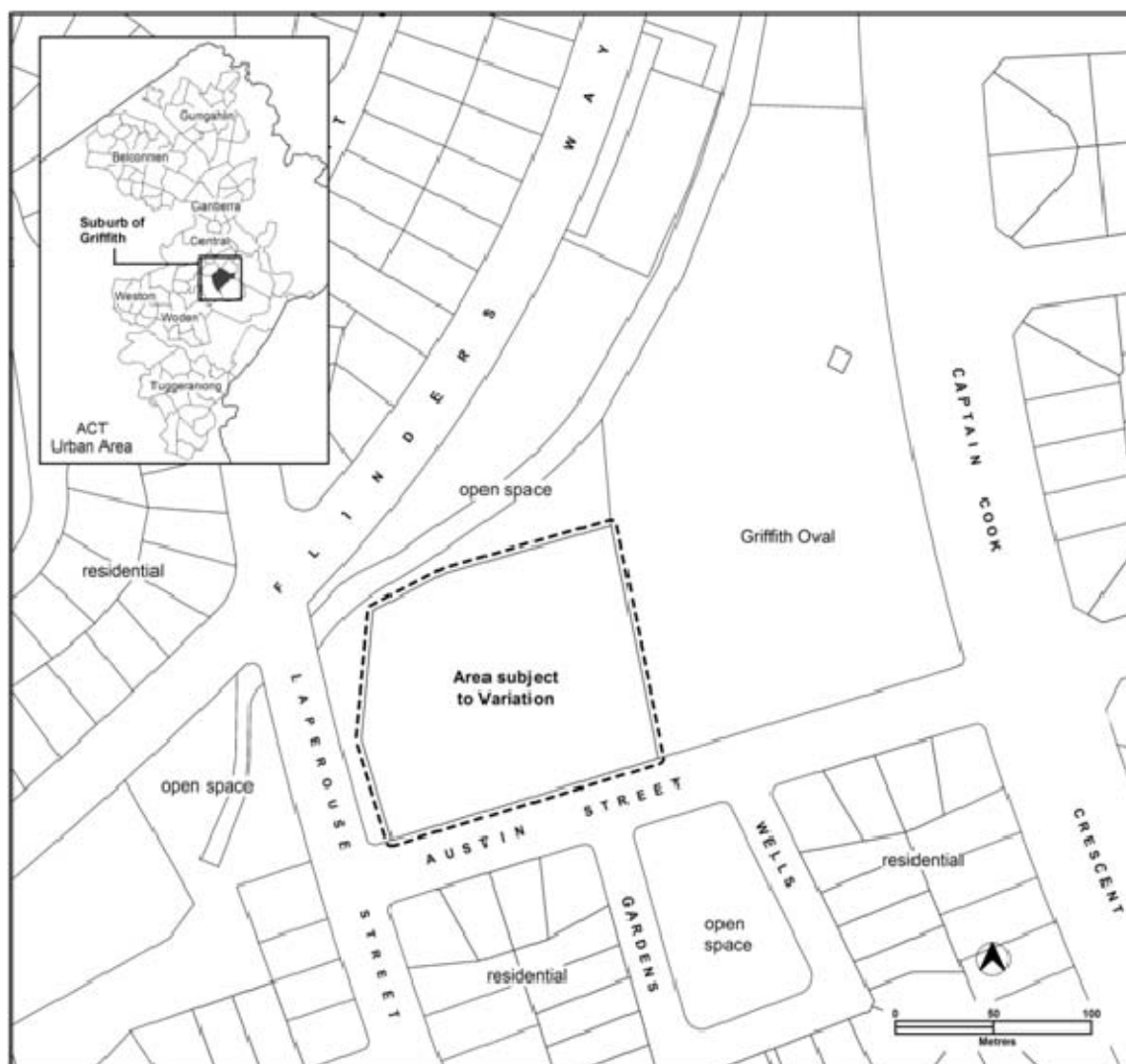


Figure 1: Location of the site and surrounding uses.

1.5 Current Territory Plan provisions

The Territory Plan Map zone for the area subject to this variation is shown in Figure 2. The site is surrounded on three sides by the parks and recreation PRZ1 urban open space zone. To the south across Austin Street the land is partly PRZ1 urban open space zone and partly residential RZ1 suburban zone.

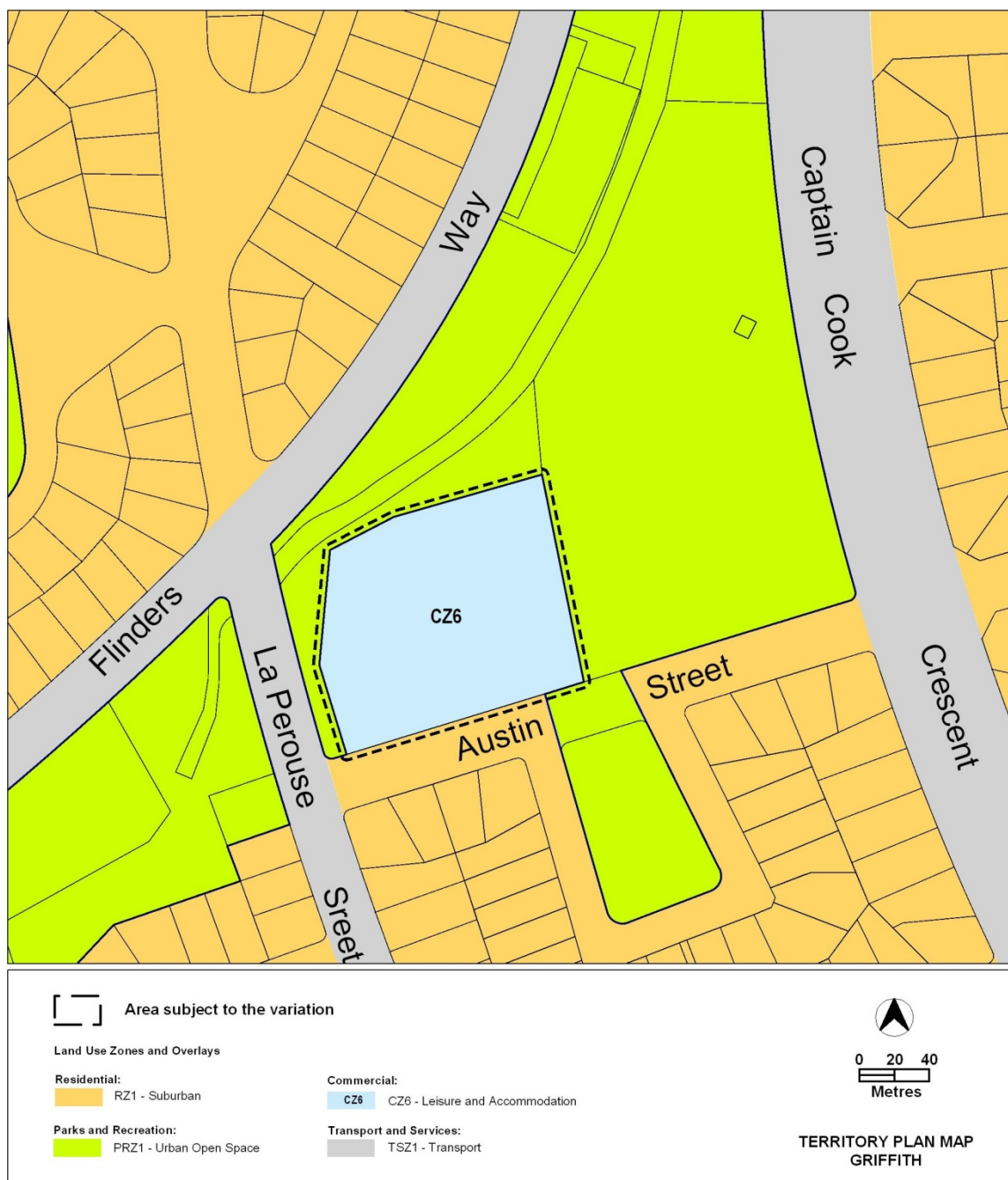


Figure 2: Territory Plan Zones Map

1.6 Changes to the Territory Plan

Changes to the Territory Plan map

The changes to the Territory Plan map are indicated in Figure 3 at Part 2 of this document and consist of removing Griffith section 42, block 15 from the commercial CZ6 leisure and accommodation zone and including it in the RZ4 medium density residential zone.

Changes to Territory Plan Griffith precinct code

Changes to the Griffith precinct code are detailed in Part 2 of this document and include the introduction of a number of provisions to guide future redevelopment of the site. These provisions include: limitations on basement parking; inclusion of setbacks from Griffith, section 42, block 7; requirements for adaptable housing; protection of trees on the perimeter of the site; formalisation of the informal shared paths on part of Block 15 and on the adjoining block 16; and the erection of flood signage on section 42.

1.7 Consultation on the draft variation

Draft variation 307 was released for public comment between 25 January 2011 and 15 March 2011. A consultation notice under section 63 of the *Planning and Development Act 2007* was placed in the ACT Legislation Register on 25 January 2011.

A total of 116 written submissions were received, two (2) of which were late submissions accepted after 15 March 2011. The majority of submissions were made by individual members of the public. Submissions were also received from the following organisations:

- The Inner South Canberra Community Council
- The Griffith/Narrabundah Community Association Inc.
- The National Trust

Key concerns raised include:

- motives for the rezoning
- concessional lease status of the site
- alternative uses for the site, including community, open space or recreation uses

- compliance with the relevant strategic and statutory documents including the Canberra Spatial Plan, Territory Plan - Statement of Strategic Directions, the National Capital Plan and the Griffith Neighbourhood Plan
- justification for the proposal in terms of population and housing choice
- a range of potential impacts including flooding, traffic, amenity, character, heritage, garden city values and loss of trees.

1.8 Revisions to the Exhibited Draft Variation

The following changes were made to the draft variation 307 following consideration of the Legislative Assembly's Standing Committee on Planning, Public Works and Territory and Municipal Services report 12 of February 2012:

- The Griffith precinct code has been amended to include provisions which respond to the recommendations of the standing committee as follows:
 - Recommendation 1(a) – stipulation of a 35m setback of development on block 15 from block 7 and a public access easement
 - Recommendations 1 (b) and (c) – a requirement to formalise the existing paths on block 16 adjoining block 15
 - Recommendation 1 (d) – a requirement to erect flood signage on section 42
 - Recommendation 1(e) – limitations on encroachments under the stands of trees on the perimeter of block 15
 - Recommendation 1(f) – stipulation that basement parking is limited to one level only
 - Recommendation 1(g) – a requirement that 100% of dwellings on the site are built to adaptable housing standards.
- As the Griffith precinct code currently consists of just a map, it is necessary for the code to be restructured in order to accommodate an amendment to the precinct code map and to insert the additional provisions detailed above. For this reason variation 307 entirely replaces the existing Griffith precinct code, rather than updating it to insert the provisions. This restructure is administrative in nature and does not alter the policy context of the existing code.

2. VARIATION

2.1 Variation to the Territory Plan

1. Territory Plan Map

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

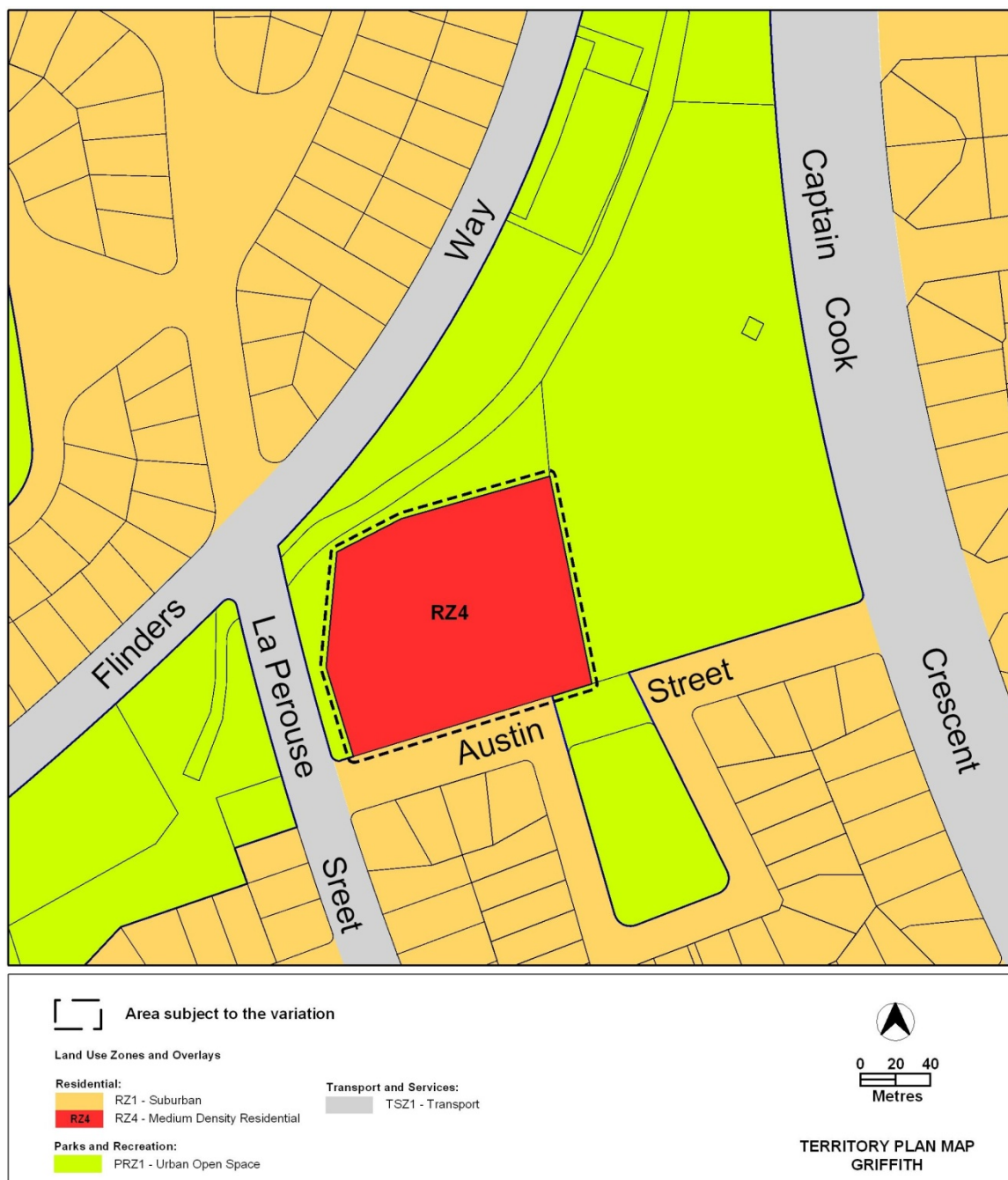


Figure 3: Proposed Territory Plan Zones Map

2.2 Variation to the Griffith precinct code

2. Suburb precinct codes Griffith precinct code
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Substitute with Appendix A

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-għajjnuna t'interpretu, ċempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
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

Griffith Precinct Code

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Introduction

Name

The name of this code is **Griffith Precinct Code**.

Application

The code applies to the Division of Griffith.

Purpose

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

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

Structure

This code contains the following:

Precinct map

This map may identify blocks or parcels:

- that are referred to in development codes (eg. blocks that may have an elevated bush fire risk and require a dwelling house to be built to a certain standard)
- affected by part A or part B of this code.

Part A – Additional rules and criteria

This part may contain:

- sub-parts
- additional rules and/or criteria for, to be read in conjunction with the relevant development code

for particular blocks or parcels identified on the precinct map.

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

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

Code hierarchy

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

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

Definitions

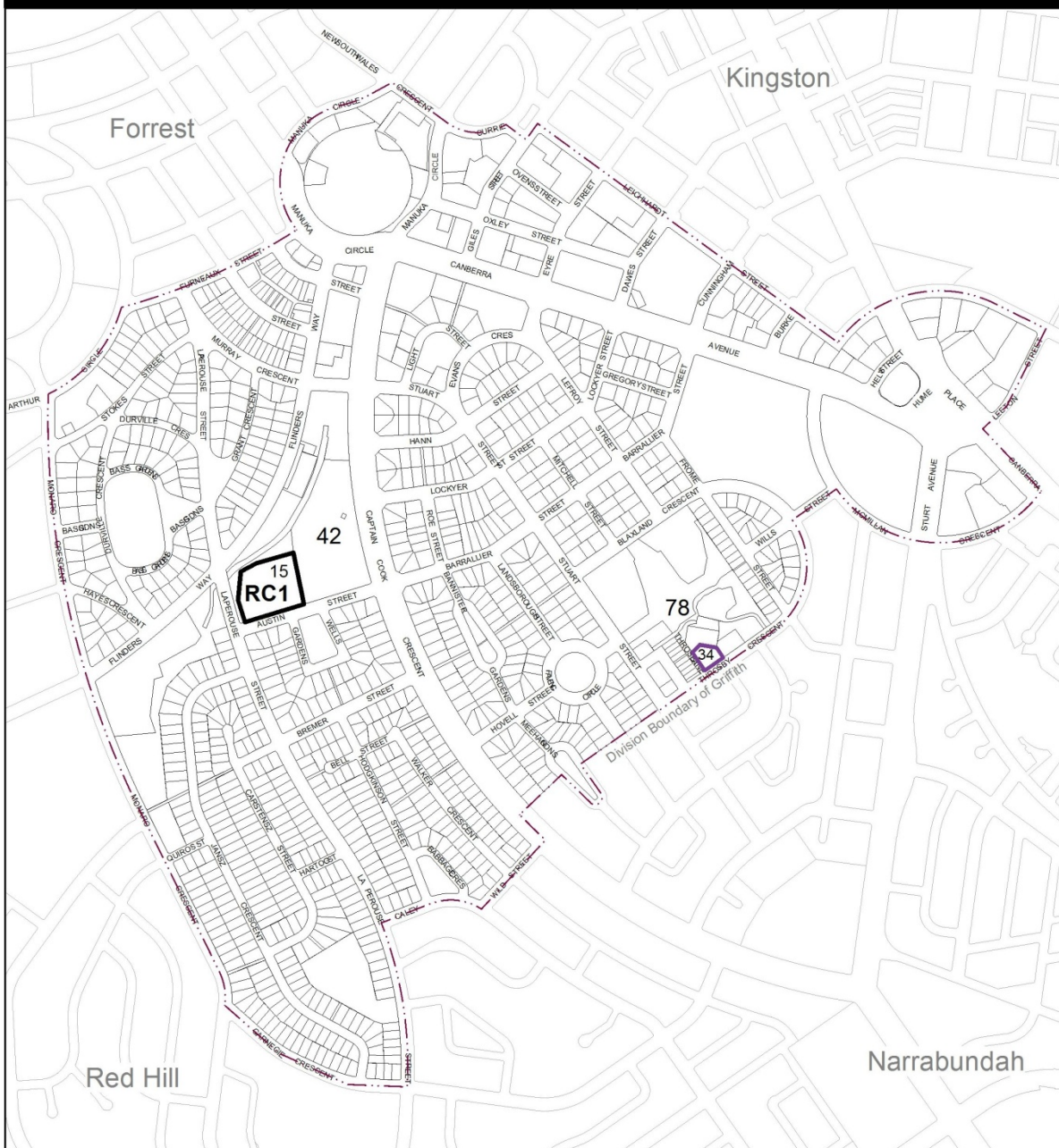
Defined terms, references to legislation and other documents are italicised.

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

Abbreviations

Authority	Planning and Land Authority within the ACT Environment and Sustainable Development Directorate
The Act	Planning and Development Act 2007

Griffith Precinct Code



Legend



Additional rules and criteria development see Part A



Community Facility zoned sites where supportive Housing and retirement village are prohibited
Refer community facility zone development table



0 400
Metres

Part A – Additional rules and criteria

R1 This part applies to blocks and parcels identified in the Griffith Precinct Map (RCn). It should be read in conjunction with the relevant zone development code and related codes.

Part A1 Specific provisions for RC1 in the Griffith Precinct Map

Element 1: Restrictions on use

Element 1: Rules	Element 2: Criteria
1.1 Basement Parking	
R1 Basement Parking is limited to one (1) level.	This is a mandatory requirement. There is no applicable criterion.

Element 2: Building and site controls

Element 3: Rules	Element 4: Criteria
2.1 Setback	
R2 Buildings and other development are setback a minimum of 35 metres from the boundary of Griffith, section 42, block 7. Any part of block 15 within this setback is included in a public access easement.	This is a mandatory requirement. There is no applicable criterion.

Element 3: Built Form

Element 5: Rules	Element 6: Criteria
3.1 Accessibility (mobility)	
R3 100% of the dwellings of any multi unit housing development are designed to meet the relevant Australian Standard for Adaptable Housing and any relevant considerations in the Access and Mobility General Code.	This is a mandatory requirement. There is no applicable criterion.

Element 6: Environment

Element 7: Rules	Element 8: Criteria
6.1 Trees	
R4 Building and construction works do not encroach on land within the drip zone plus 2.0m of the existing stands of trees on the perimeter of Block 15 as identified on Figure 1.	C4 The health of existing trees on the perimeter of block 15 is maintained. Compliance with this criterion is supported by an assessment by a suitably qualified arborist and to the satisfaction of the Conservator of Flora and Fauna.

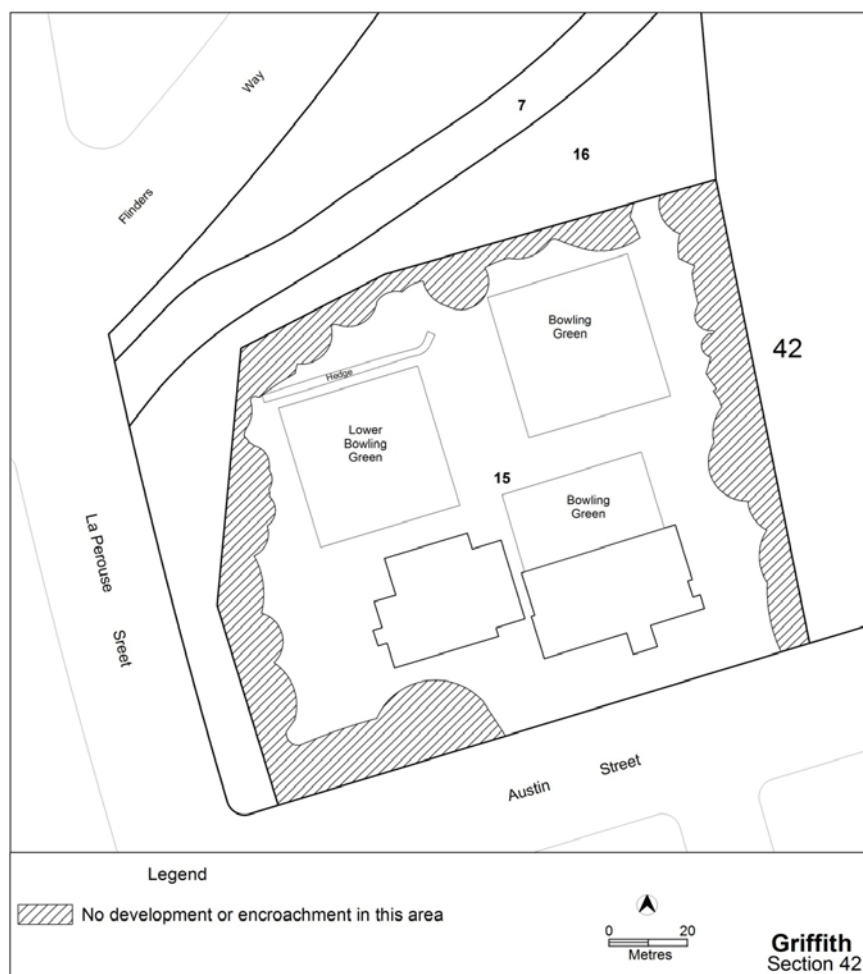


Figure 1 Areas with no development or encroachments

Element 7 Services

Element 9: Rules	Element 10: Criteria
7.1 Off site works	
<p>R5</p> <p>Shared paths are constructed within block 16 and the part of block 15 subject to the public access easement in Rule R2, along the northern and eastern boundaries of block 15 as identified on Figure 2 and are endorsed by the Territory agency responsible for asset acceptance.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R6</p> <p>Flood signage is erected along pathways and access points to Section 42 Griffith and is endorsed by the Territory agency responsible for asset acceptance.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

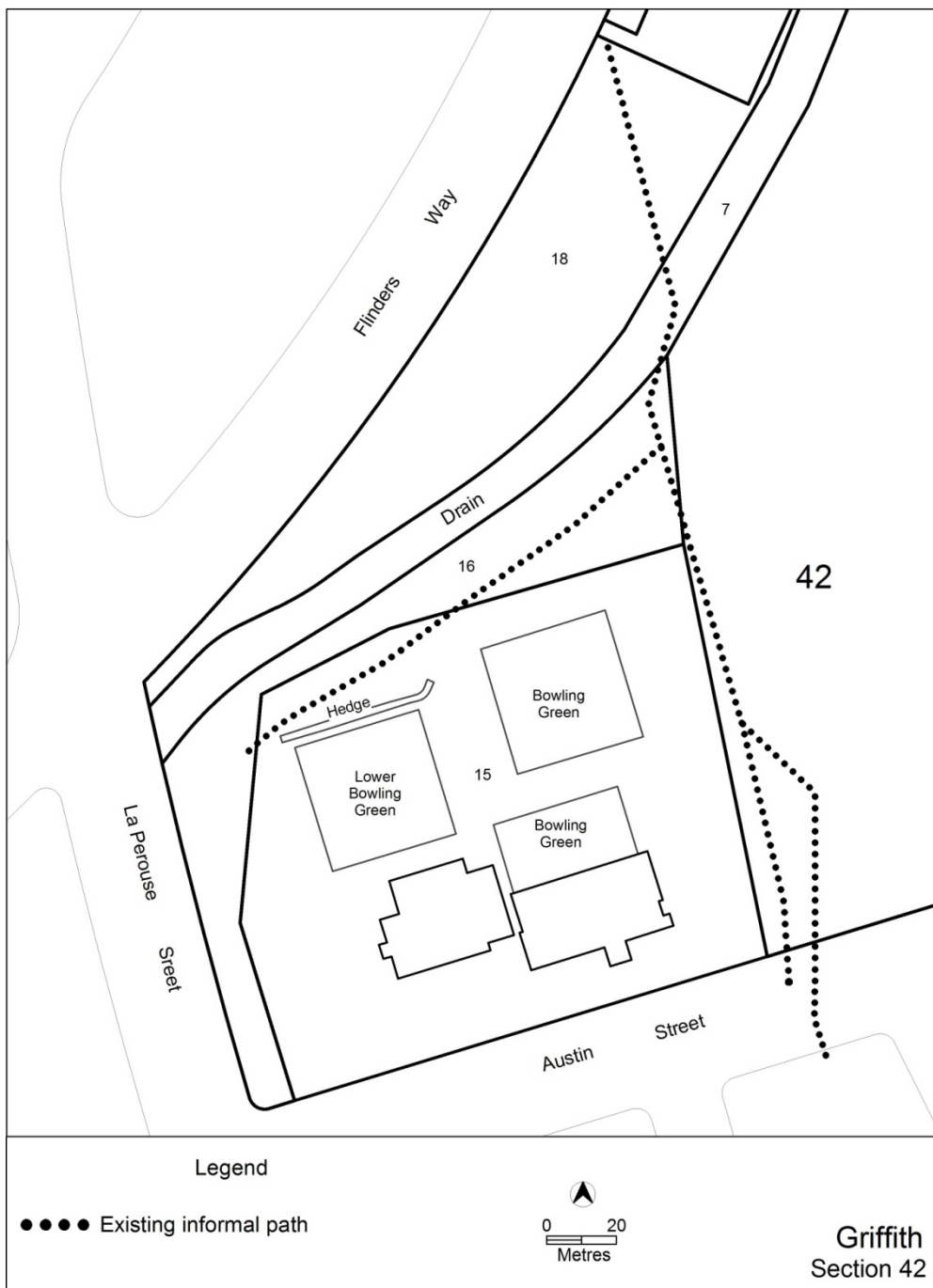


Figure 2 location of existing informal paths to be formalised

