

Planning and Development (Plan Variation No 339) Approval 2016

Notifiable instrument NI2016–286

made under the

Planning and Development Act 2007, section 76(3)(a) (Minister's powers in relation to draft plan variations)

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 339) Approval 2016*.

2 Approval of draft plan variation

- (1) I APPROVE under section 76(3)(a) of the *Planning and Development Act 2007* the draft plan variation No 339 to the Territory Plan.
- (2) In this section:
Draft plan variation No 339 to the Territory Plan means the draft plan variation in the schedule.

Mick Gentleman MLA
Minister for Planning and Land Management

6 June 2016

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Planning and Development Act 2007

Variation to the Territory Plan No 339

**ACT Public Housing Redevelopments -
Kaleen section 117, block 23 – (old Bocce Club)
Zone changes and changes to the
Kaleen precinct map and code**

June 2016

Final variation prepared under s76 of the
Planning and Development Act 2007

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1. EXPLANATORY STATEMENT

1.1 Background

1.1.1 Public Housing Renewal Program

Housing is critically important for the ACT community's overall economic and social well-being. Public housing assists Canberrans' on low incomes to reach their potential, to make a contribution and to share the benefits of our community.

The role of ACT public housing has changed over time through increased targeting to those most in need. As at April 2015 there were 2,323 clients on the public housing waiting list with a further 869 public housing tenants on the transfer waiting list. The number of people on the public housing waiting list has doubled since 2008. Presently, the waiting time on the priority housing waiting list is 238 days. The demand for public housing is expected to grow. As at April 2015 there were 11,826 public housing properties.

Much of the public housing stock was constructed prior to 1988 when the Territory achieved Self-Government. The average age of the ACT's public housing stock is around 30 years. The ACT has the oldest public housing portfolio in Australia, with consequent impacts on repairs and maintenance requirements.

The dwellings were constructed in response to the requirements of the time, and public housing tenants have different requirements now. The challenge is to renew the public housing stock so that it is better able to meet the needs of public housing tenants.

The Public Housing and Asset Management Strategy 2012 – 2017 provides a response to the challenges facing the public housing portfolio at a number of levels, including a rolling program of disposal of poorly performing multi unit properties with the aim of:

- reducing concentrations of disadvantage;
- aligning the public housing portfolio with tenant needs;
- optimising the value of the asset;
- providing better housing for existing and future tenants; and
- improving the 'look' and 'feel' of the metropolitan area.

Many of the older public housing properties are in prominent locations so their redevelopment will result in significant urban renewal outcomes – improvements to urban design quality, creating economic activity, reduced greenhouse emissions, improved use of infrastructure and variety of the built environment.

The replacement public housing will be better designed, more energy efficient and cheaper to manage and maintain. They will better align with tenant demographics, break down aggregations of disadvantage and provide a better distribution of public housing throughout the community. Creating a greater choice of housing in the community makes it easier for people to ‘age in place in the community’.

Renewal of public housing across the Territory will have benefits for public housing tenants. There will be no reduction in public housing stock and replacement housing will be built first. The distribution of housing will be aligned with tenant and applicant preferences. New public housing will have lower maintenance and operating costs.

1.1.2 Background to the Kaleen site

The subject site has been the subject of two previous Territory Plan variations. The first (Variation 11 in 1994) resulted in the RZ4 medium density residential Huntington Apartments development which is located adjacent to the subject site. The most recent Territory Plan Variation V263 (2007) changed the zone from the PRZ2 restricted access recreation zone to the CFZ community facility zone to enable supportive housing to be developed on the site. However, the site was not developed and remains vacant.

The current lessee, the Commissioner for Social Housing, proposes to develop part of the site for housing principally be suitable for older public housing tenants. This will allow older people to downsize and to move into dwellings that are more suitable for their needs, easier to manage and more efficient and cheaper to run. The houses they vacate will be offered to people on the public housing waiting list, whose situation makes them eligible for larger properties. This program was successfully implemented during the Nation Building and Jobs Plan (2009) and led to reductions in the public housing waiting list.

The Commissioner for Social Housing does not propose to develop the entire site for public housing. Part of the site has a substantial level of fall across the site and is less suitable for older people. While aggregations of older public housing tenants do not generally require a high level of management, the preference is not to maximise such a site for public housing but to introduce a level of private residential, creating a mixed community.

It is noted that the Kaleen housing stock is predominantly made up of detached dwellings. This means that people have to relocate elsewhere if they wish to move from their detached dwelling. People may wish to 'down size' into smaller housing that better suits their needs while remaining within the area. Rezoning of the site to high density residential will increase the diversity of housing types in Kaleen.

The subject site is located on Baldwin Drive which is well served by public transport and is close to a broad range of facilities. Increasing densities on this site encourages uses of transport such as walking, cycling and public transport.

1.2 Summary of the proposal

This draft variation proposes to rezone block 23, section 117 at Kaleen from the CFZ community facility zone to the RZ5 high density residential zone to promote residential redevelopment on the site. It also inserts provisions into the Kaleen precinct code to stipulate building heights across the site.

A Draft Variation No 330 (DV330) was initially prepared for the site and was notified for public comment with the first omnibus draft variations between 7 November and 19 December 2014. DV330 attracted four (4) public submissions.

In the intervening time, the Commissioner for Social Housing has requested the draft variation be revised to clarify the location and areas allocated for the various building heights and a review of the building heights. The review requested by the Commissioner for Social Housing has resulted in changes to DV330. In this regard, DV330 has been withdrawn and a new Draft Variation No 339 (DV339) was released for public notification. This will give the public and the four submitters on the original proposal the opportunity to comment on the revised draft variation.

1.3 The 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 (the Plan) and to keep the NCP under constant review and to propose amendments to it when necessary.

The Plan, which was published in the Commonwealth Gazette on 21 January 1990, is required to ensure 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 the Territory Plan is not inconsistent with the Plan. The area covered by this draft variation is within urban areas identified in the Plan.

1.4 Site Description

The subject site includes block 23, section 117 Kaleen and is located on Baldwin Drive in Kaleen (Figure 1 refers). It is within 400m metres of the Kaleen group centre and is approximately 3.5 kilometres from the Belconnen town centre.

The Kaleen High School is to the south of the subject site and the Huntington Apartments are to the north. Urban open space abuts the site on the eastern side and to the west is North Lawson. There are detached dwellings to the east of the Urban Open Space.

The Huntington Apartments are principally two storeys in height with some three storey elements. The Kaleen High School is of a similar height. However the school buildings are further from the site boundary than the Huntington Apartments. The remainder of the surrounding development is pre-dominantly single and two storey.

The site has an area of 16,315m² and falls seven metres across the site in a north easterly direction. There were buildings on the site but these have been demolished. The remainder of the site is open grassed areas.

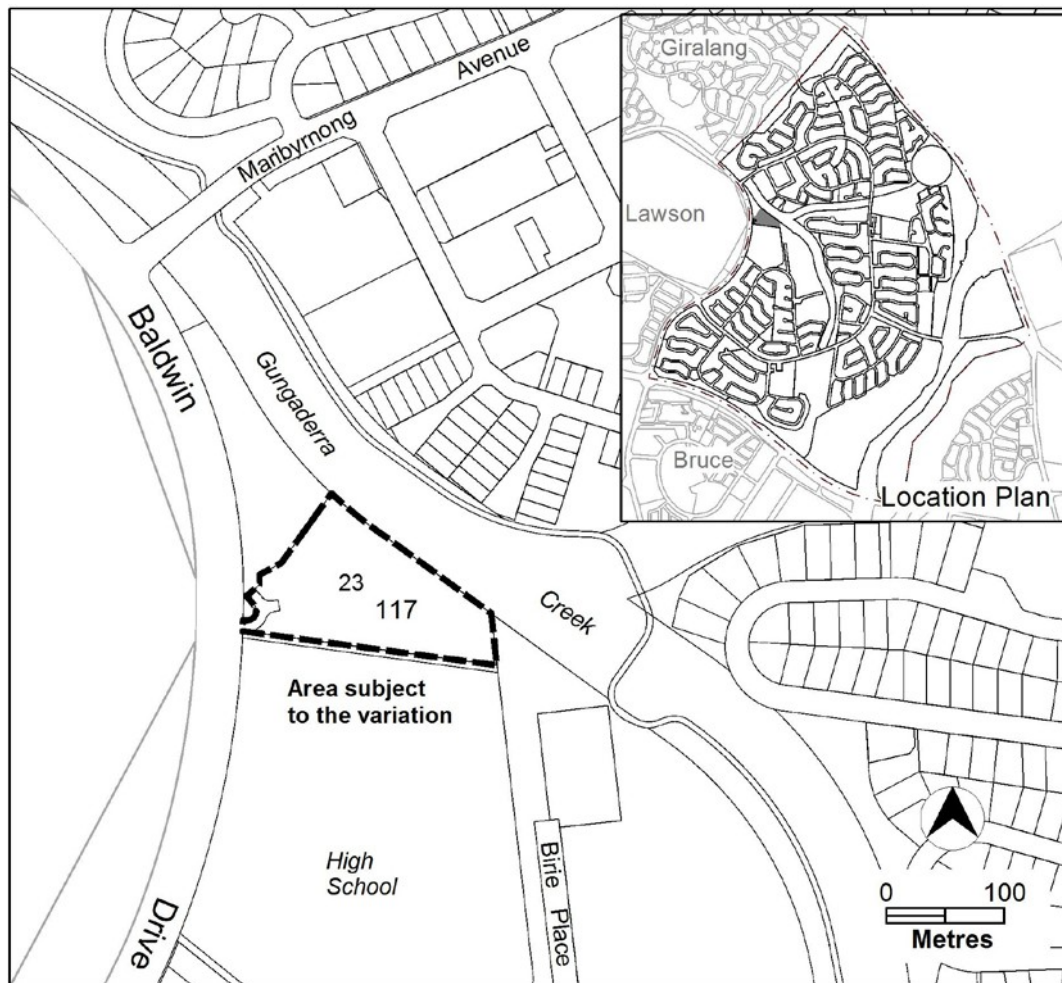


Figure 1: Site Plan

1.5 Current Territory Plan Provisions

The Territory Plan map zone for the area subject to this variation is shown in **Figure 2**. The current Kaleen precinct map is shown in **Figure 3**.

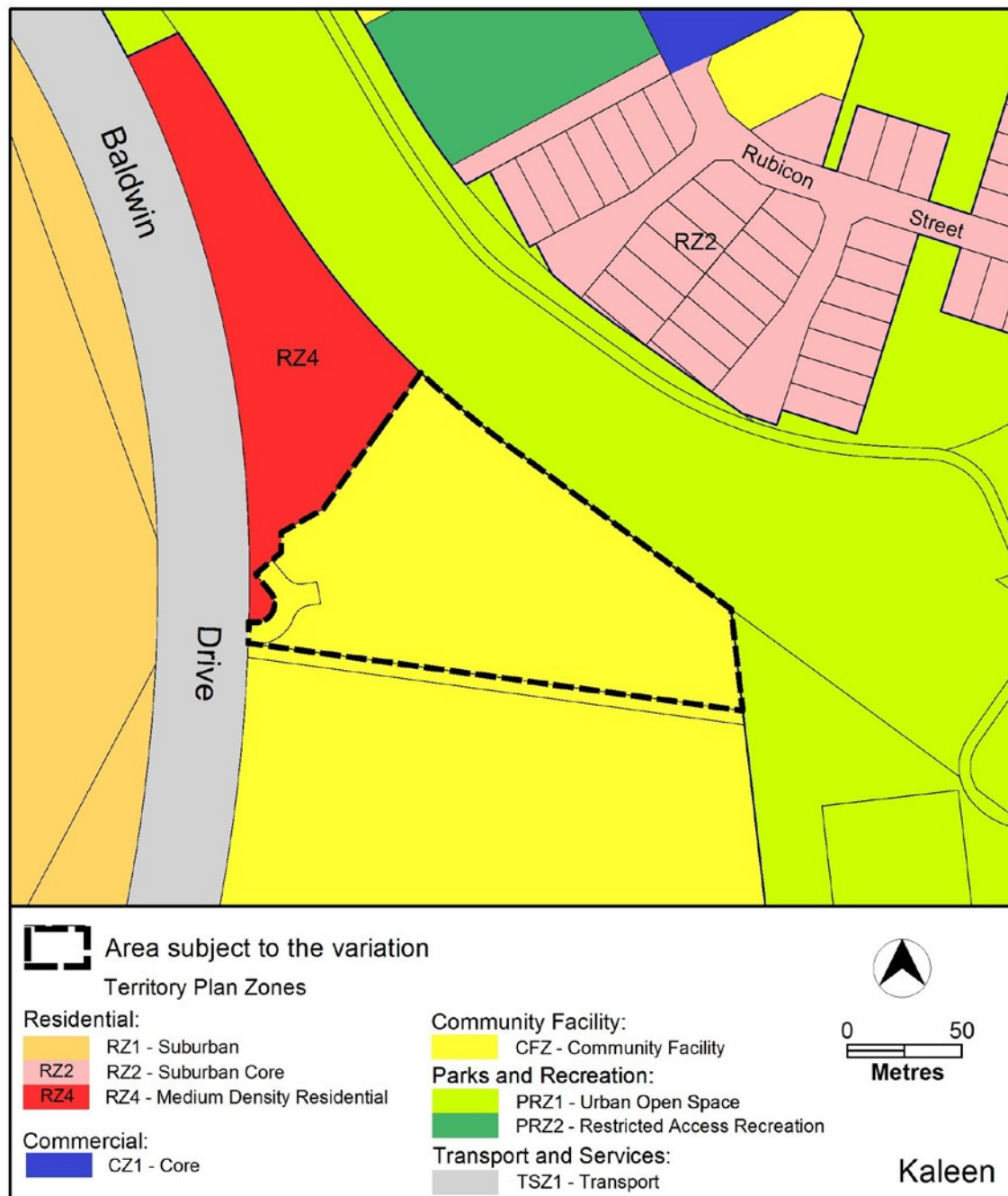


Figure 2: Existing Territory Plan Zones Map

Kaleen Precinct Map

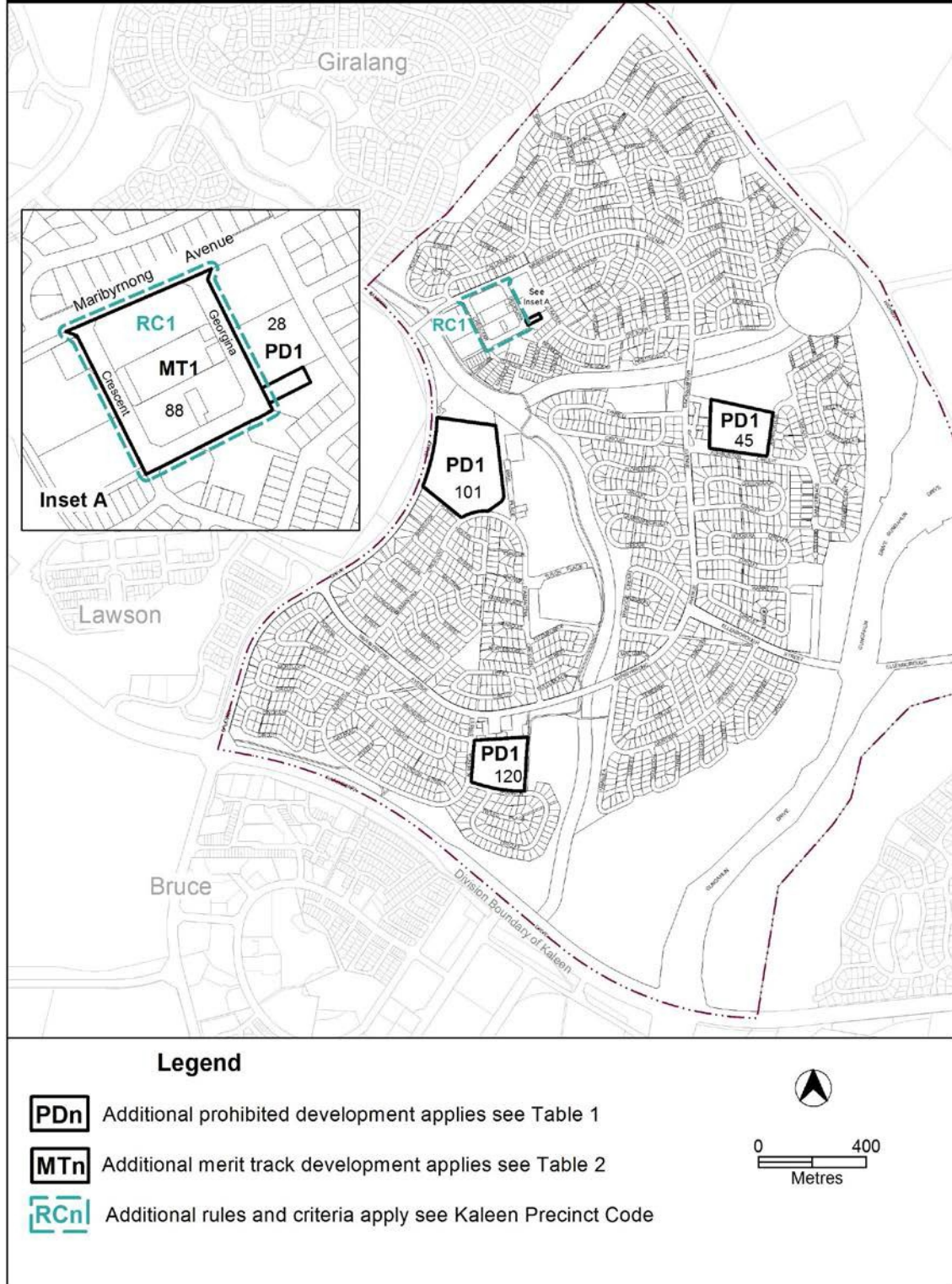


Figure 3: Existing Kaleen precinct map

1.6 Changes to the Territory Plan

Detailed changes to the Territory Plan are noted in section 2 of this document.

1.7 Consultation on the Draft Variation

DV330 was released for public comment between 7 November and 19 December 2014. Four written submissions were received on DV330; one from the Owners Corporation Executive Committee, Huntington Apartments, Canberra Organic Growers Society Inc and two from individuals.

DV339 was released for public comment between 2 July 2015 and 17 August 2015. A consultation notice under section 63 of the Planning and Development Act 2007 (P&D Act) was published on the ACT Legislation Register on 2 July 2015 and in The Canberra Times on Saturday 4th July 2015. In response to DV339 three submissions were received from individuals.

The main issues raised by submitters of DV330 and DV339 included:

- Impact on gardens at University of Canberra Kaleen High School
- Suitability of use for public housing, especially for older public housing tenants and social impact of the development
- Impact of building heights and development on the site
- Access into the site
- Alternative use for the site
- Compliance with the Territory Plan
- Impact on *polytelis swainsoni* (superb parrot)

The above issues were considered and are detailed in a report on consultation, which is available at **www.act.gov.au/recommendedvariations**. The Minister will consider the outcomes of consultation prior to making a decision on this draft variation.

1.8 Revisions to the Draft Variation Placed on Consultation

No changes have been made to the recommended draft variation as a result of public consultation of DV339.

2. VARIATION

2.1 Variation to the Territory Plan Map

The Territory Plan map is varied as indicated in **Figure 4** for the area shown as subject to the variation.

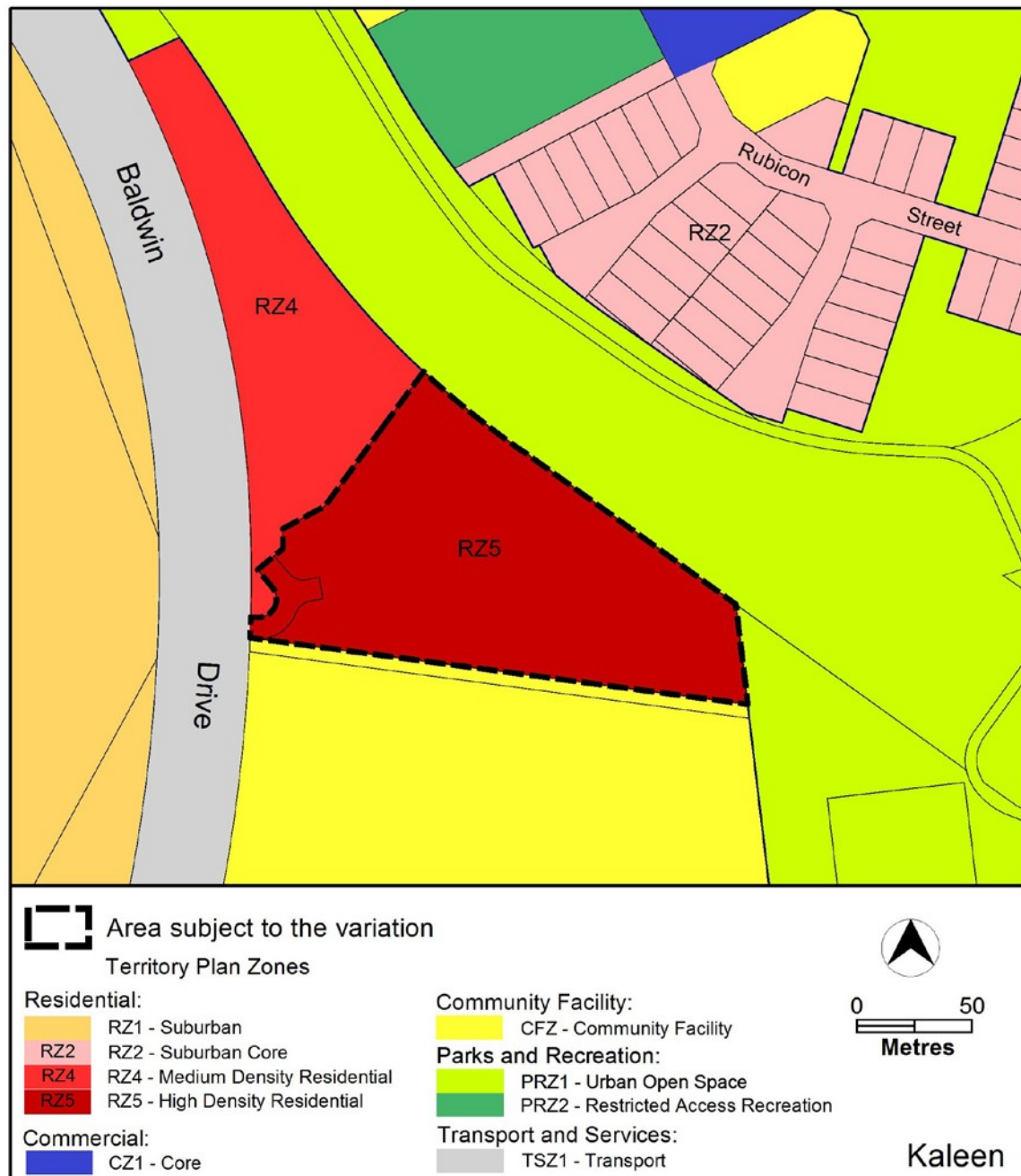


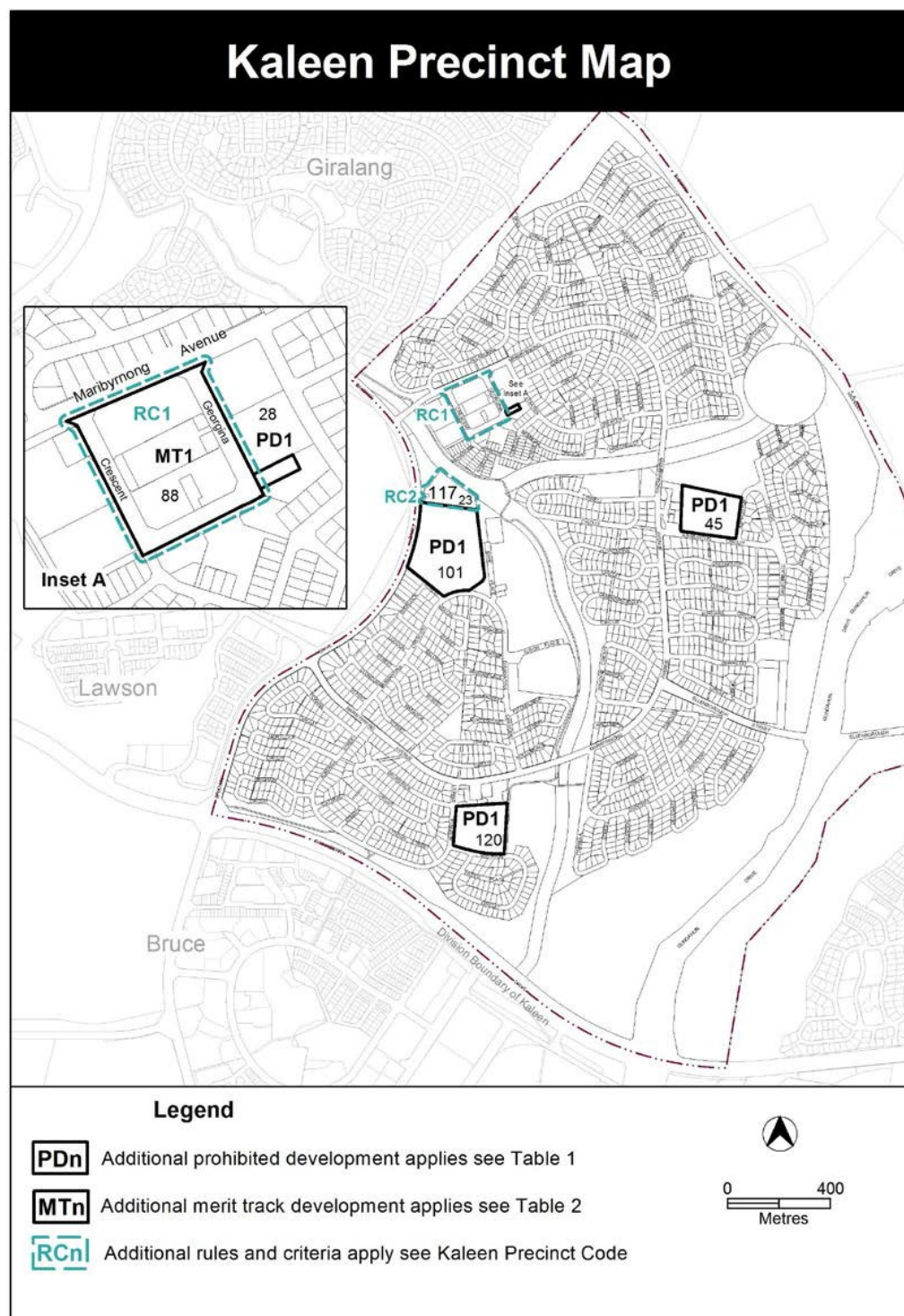
Figure 4: Variation to the Territory Plan Map

2.2 Variation to the Territory Plan written statements

Variation to the *Kaleen precinct map and code*

10. Precinct Map and Codes: Kaleen precinct map and code

Substitute



RC2 – RZ5 zone additional provisions

This part applies to blocks and parcels identified in area RC2 shown on the Kaleen precinct map.

Element 3: Buildings

Rules	Criteria
3.1 Building height	
<p>R5</p> <p>This rule applies to the areas identified in Figure 2.</p> <p>The maximum number of <i>storeys</i> in the areas shown on Figure 2 are as follows:</p> <ul style="list-style-type: none"> a) in area 'a' – 6 storeys. Area 'a' is measured as follows: <ul style="list-style-type: none"> i) the extent of area 'a' along the northern boundary is a maximum of 20 metres ii) the extent of area 'a' along the southern boundary is a maximum 50 metres iii) the western extent of area 'a' is a maximum of 25 metres deep from the southern boundary, then along a straight line to meet the northern boundary of area 'a' identified in i) above. b) in area 'b' – 4 storeys. Area 'b' is measured as follows: <ul style="list-style-type: none"> i) the length of area 'b' is a maximum of 100metres from the edge of area 'a' identified in a) above ii) the depth of area 'b' is 25 metres from the southern boundary. c) in area 'c' – 3 storeys <p>For areas 'a', 'b', and 'c' 1 additional storey is permitted where it is car parking that is a continuation of basement car parking.</p> <p>For this rule the building height excludes all of the following:</p> <ul style="list-style-type: none"> a) roof top plant b) lift overruns 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<ul style="list-style-type: none"> c) antennas d) photovoltaic panels e) air conditioning units f) chimneys, flues and vents <p>Excluded items are setback from the building facade of the floor immediately below a minimum distance of 3 metres.</p>	

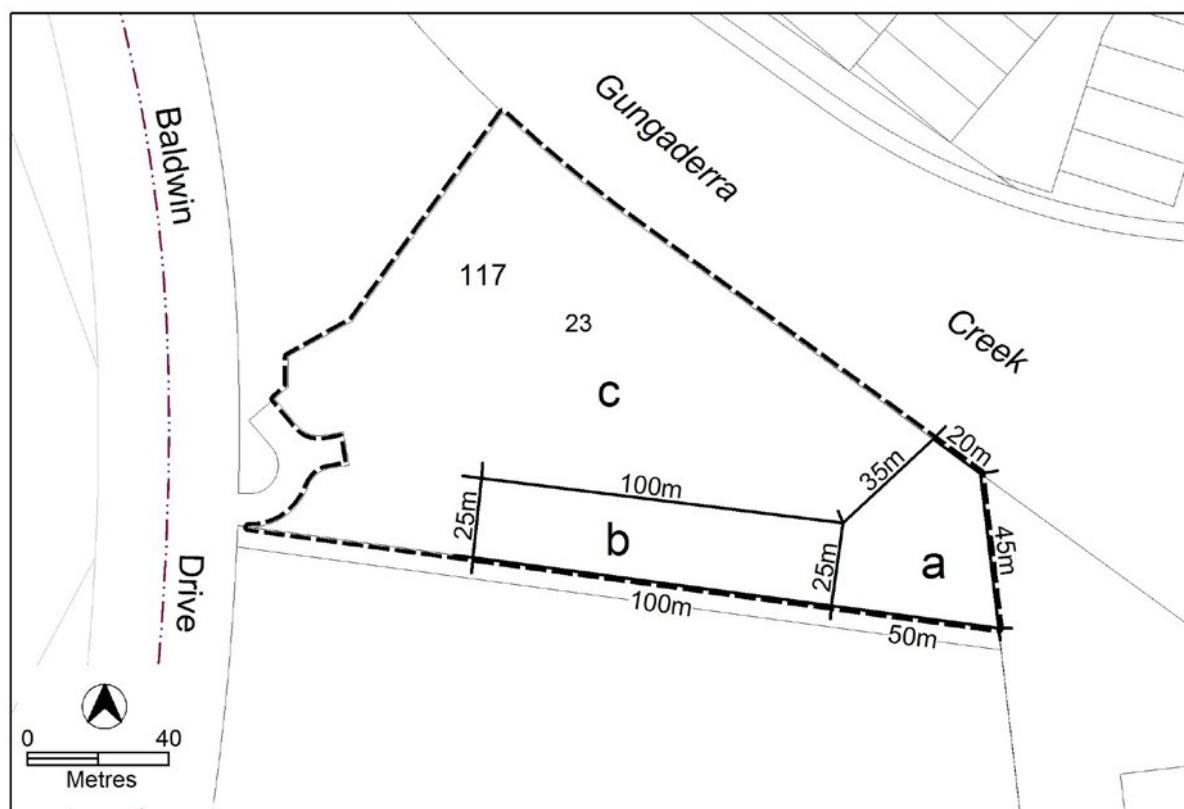


Figure 2: building heights

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna t'interpretu, ċempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
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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:

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