

# Planning and Development (Draft Variation No 358) Consultation Notice 2017

## Notifiable instrument NI2017—668

made under the

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

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### 1 Name of instrument

This instrument is the *Planning and Development (Draft Variation No 358) Consultation Notice 2017*.

### 2 Draft variation to the Territory plan

The planning and land authority (the **Authority**) has prepared a draft plan variation No 358 – Changes to Wright precinct map and code Wright section 29 block 3 Restrictions on residential use (the **Draft Variation**) to vary the Territory Plan. The Draft Variation proposes to amend the Wright precinct map and code to prohibit residential uses (supportive housing, residential care accommodation and retirement village) on block 3 section 29 Wright.

### 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, Environment, Planning and Sustainable Development Directorate Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, 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 **23 February 2018** (the **Consultation Period**).
- (3) Copies of the documents mentioned in section 3(1) are also available for inspection during the Consultation Period online at [http://www.planning.act.gov.au/tools\\_resources/legislation\\_plans\\_register/s/plans/territory\\_plan/draft\\_variations\\_to\\_the\\_territory\\_plan](http://www.planning.act.gov.au/tools_resources/legislation_plans_register/s/plans/territory_plan/draft_variations_to_the_territory_plan)

### 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 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, EPSDD Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson.

## 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, EPSDD Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, 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

- (1) Section 65 of the Act applies to the Draft Variation. This means that the Territory, the Executive, a Minister or a territory authority must not, during the defined period, do or approve the doing of anything that would be inconsistent with the Territory Plan if it were varied in accordance with the Draft Variation.
- (2) In this section:

**defined period** means the period starting on the day this notice is notified (the **Notification Day**) and ending on the earliest of the following days:

  - (a) the day the public availability notice for the Draft Variation, under section 70 of the Act, is notified;
  - (b) the day the Draft Variation, or the corresponding plan variation, is withdrawn under section 68(1)(b) or section 76(2)(b)(v) of the Act;
  - (c) the period of 1 year after the Notification Day ends.

## 7 Obtaining further information

Further information about the Draft Variation can be obtained through email correspondence with the Territory Plan Section, EPD, at [Terrplan@act.gov.au](mailto:Terrplan@act.gov.au), a reference to the Draft Variation should be included in any email.

## 8 Meaning of *draft plan variation No 358 – Changes to Wright precinct map and code Wright section 29 block 3 Restrictions on residential use*

In this instrument:

***Draft plan variation No 358 – Changes to Wright precinct map and code Wright section 29 block 3 Restrictions on residential*** means the draft plan variation in the schedule.

*Note 1:* Your 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.

Fleur Flanery  
Delegate of the Planning and Land Authority  
12 December 2017



**ACT**  
Government

Environment, Planning and  
Sustainable Development

**Schedule**  
**(See Section 8)**

*Planning and Development Act 2007*

**Draft**  
**Variation to the**  
**Territory Plan**  
**No 358**

Changes to Wright precinct map and code  
Wright section 29 block 3  
Restrictions on residential uses

**December 2017**

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.....	8
2.4.1	Proposed Changes to Territory Plan .....	8
2.5	Reasons for the Proposed Draft Variation .....	8
2.6	Planning Context.....	8
2.6.1	National Capital Plan .....	8
2.6.2	ACT Planning Framework.....	8
2.7	Interim Effect .....	9
2.8	Consultation with Government Agencies.....	10
<b>3.</b>	<b>DRAFT VARIATION .....</b>	<b>13</b>
3.1	Variation to the Territory Plan written statements.....	13

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# 1. INTRODUCTION

## 1.1 Summary of the Proposal

Draft Territory Plan Variation 358 (DV358) proposes to amend the Wright precinct map and code to prohibit residential uses (supportive housing, residential care accommodation and retirement village) on block 3 section 29 Wright (the subject site, currently registered as block 3). The subject site is Community Facility Zoned land. The Public Housing Renewal Taskforce (Taskforce) has identified part of section 29 Wright (currently registered as block 2) for public housing and the remainder of section 29 Wright (block 3) is on the ACT Government's Indicative Land Release Program for release in 2018-19.

Following extensive community consultation and a Community Needs Assessment, the ACT Government is proposing to restrict the future use of the subject site to community purposes only. Any residential purposes (residential care, retirement villages and supportive housing) will be prohibited on the site confirming the land is to be used for community purposes only.

## 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, Planning and Sustainable Development Directorate (EPSDD).

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 EPSDD 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 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 **Friday 23 February 2018**.

Comments should include reference to the draft variation and be addressed to the Territory Plan Section. 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:

- emailed to [terrplan@act.gov.au](mailto:terrplan@act.gov.au)
- mailed to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- delivered to the Access Canberra Customer Service Centre at 16 Challis Street, Dickson
- made on the 'Have Your Say' website: <https://www.yoursay.act.gov.au/>

Copies of written comments 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 customer service centre in Dickson and may be published on EPSDD's website. Comments made available will not 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 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

On 15 March 2017 the Minister for Housing and Suburban Development announced the proposal for public housing in Wright. Following the announcement the Taskforce has identified block 2 section 29 Wright for the development of public housing. It is a Community Facility zoned block. The Taskforce has undertaken extensive pre-consultation with the community including the Weston Creek Community Council and Wright Residents Group regarding community expectations for remainder of the site, block 3 section 29 Wright (the subject site).

The community expressed a preference for the site to be used for a multi-use community facility, with additional desired uses including (but not restricted to) a church, scout hall, health facilities and a childcare centre. A key concern of the Wright community was the uses permitted on Community Facility-zoned land. While public housing is a form of supportive housing, and is permitted on Community Facility zoned land, many community members considered that there was demand for other community uses in the area.

The Taskforce worked with the Wright Residents Group to explore opportunities for the subject site to be a dedicated community facility such as a health or childcare facility, and a community hall. This included the development of an illustrative concept showing possible community uses and car parking on the subject site. The Wright Residents Group expressed support for a range of uses dependent on the provision of a community meeting space.

The subject site is currently on the ACT Government's Indicative Land Release Program for release in 2018-19. The Taskforce has provided community feedback to other parts of the ACT Government to confirm the release of this site on the Land Release Program and to place restrictions on the use of the site to be consistent with discussions with the community.

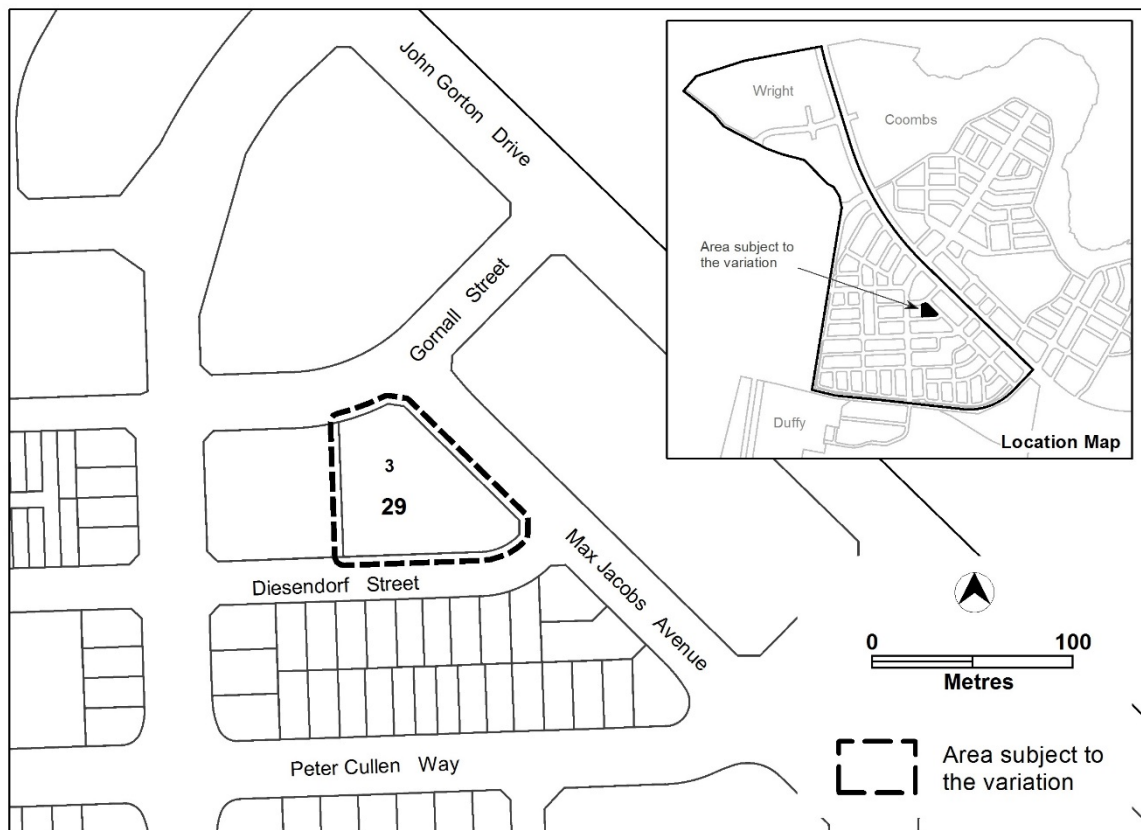
In response to this feedback, the ACT Government undertook a Community Needs Assessment in mid-2017 to determine the need for community land. The assessment concludes that the provision of a community facility would fill an identified community need in Wright. However it is not anticipated or planned for Wright to accommodate the higher order community facilities such as cultural facilities, college or library. These will be located in the Molonglo commercial centre and larger group centres. The community needs assessment paper can be accessed as a background paper to this draft variation at:

[http://www.planning.act.gov.au/tools\\_resources/legislation\\_plans\\_registers/plans/territory\\_plan/draft\\_variations\\_to\\_the\\_territory\\_plan](http://www.planning.act.gov.au/tools_resources/legislation_plans_registers/plans/territory_plan/draft_variations_to_the_territory_plan)

Following community feedback and the Community Needs Assessment, the ACT Government is proposing to restrict the future use of the subject site to community purposes only. Any residential purposes (residential care, retirement villages and supportive housing) will be prohibited on the site to confirm the land is used for community purposes only. DV358 is therefore proposing to remove any residential purposes that are permitted in the Community Facility zoned block ensuring the subject site will be used for community purposes only. In the Wright precinct map, residential care accommodation, retirement villages and supportive housing will be prohibited on the subject site.

## 2.2 Site Description

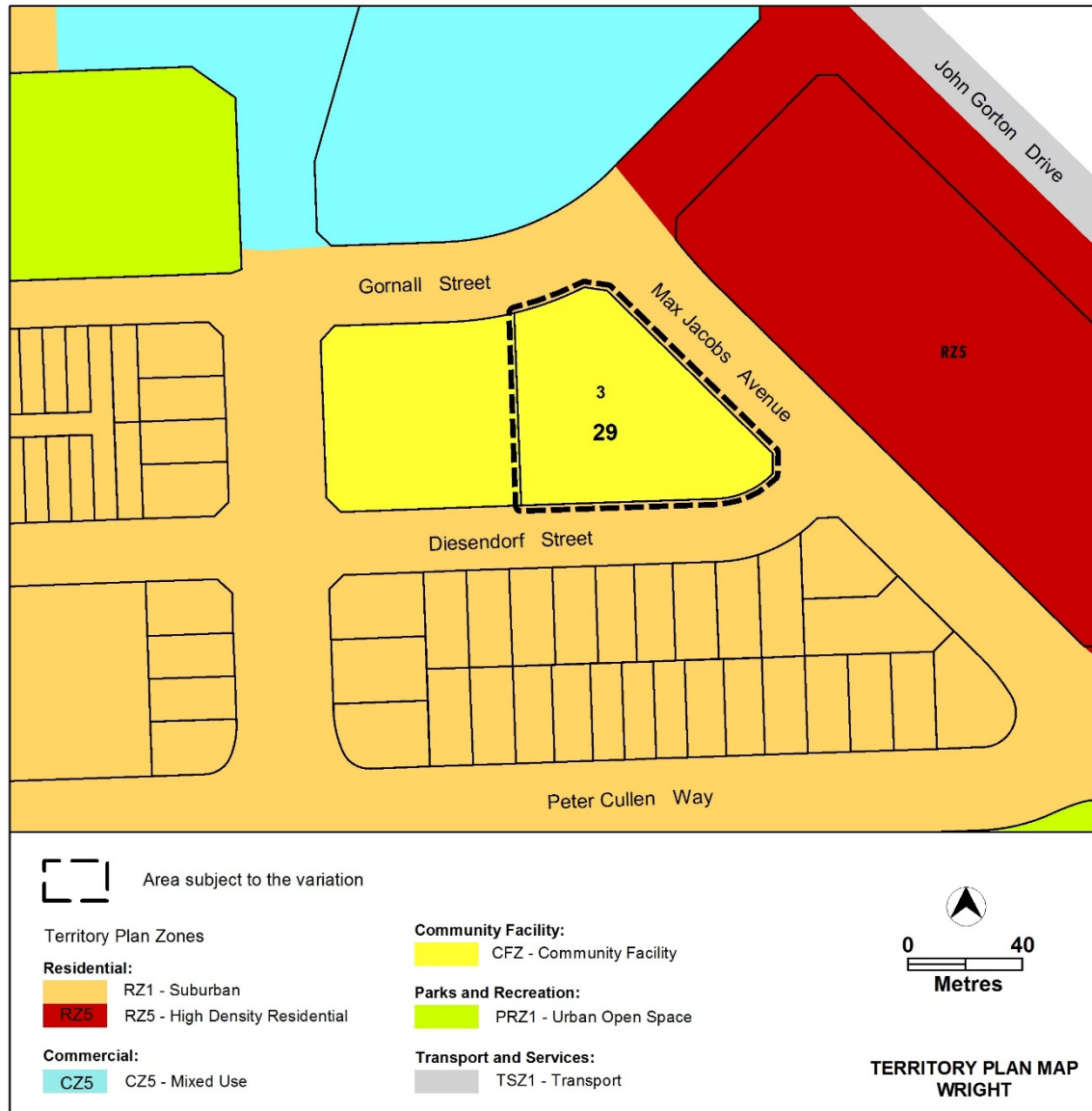
The subject site, block 3 section 29 Wright, is approximately 4783m<sup>2</sup> and is currently zoned Community Facility Zone (CFZ). The site is bounded by Diesendorf Street to the south, block 2 section 29 Wright to the west, Gornall Street to the north and Max Jacobs Avenue to the east. Section 29 Wright has been subdivided to create block 2 and block 3 to differentiate the public housing portion and introduce site specific prohibited uses to block 3 only.



**Figure 1 Site Plan**

## 2.3 Current Territory Plan Provisions

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



**Figure 2 Territory Plan Zones Map**

The Wright precinct map for the area subject to this variation is shown in **Figure 3**. There are currently no precinct code provisions applying to the site.

# Wright Precinct Map

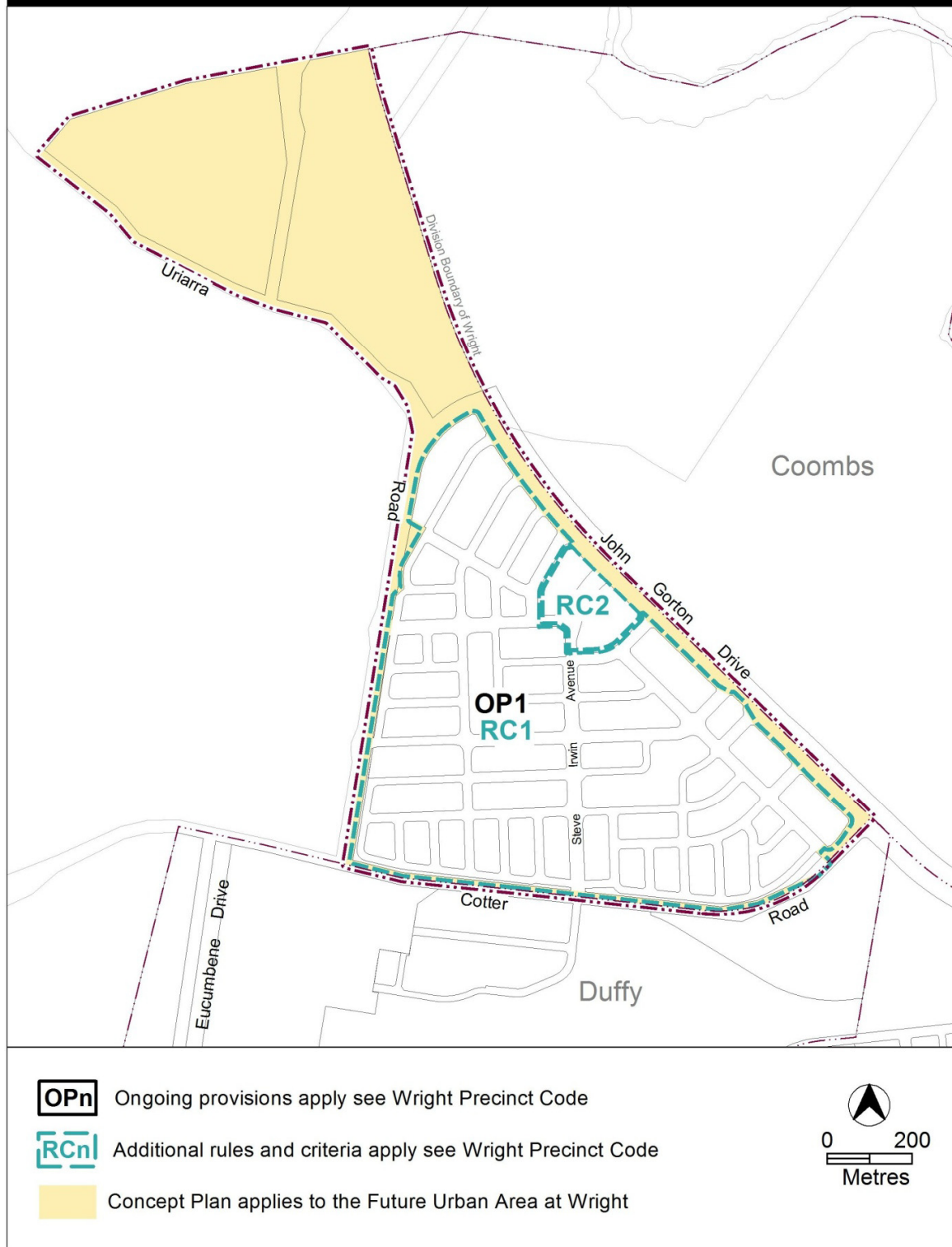


Figure 3 Wright Precinct Map

## **2.4 Proposed Changes**

### **2.4.1 Proposed Changes to Territory Plan**

DV358 proposes to amend the Wright Precinct Map and code as follows:

- Introducing PD1 additional prohibited development in the Wright Precinct Map
- Introducing Table -1 additional prohibited development in the Wright Precinct Map to regulate community uses on the site.

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

The reasons for the draft variation are as follows:

- To respond to community feedback on a preference for the subject site to be used a multi-use community facility.
- To restrict further residential use on Community Facility zoned land on the subject site in Wright.

## **2.6 Planning Context**

### **2.6.1 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.

### **2.6.2 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 proposal is consistent with the following Territory Plan - Statement of Strategic Directions in terms of environmental, economic and social sustainability and spatial planning and urban design principles:

**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.

**1.18** Provision will be made for a comprehensive range of readily accessible community, cultural, sporting and recreational facilities, distributed according to the varying needs of different localities and population groups. In major centres and developing areas, sites will be safeguarded where necessary for particular community needs.

**1.20** Planning policies for community facilities and open space will encourage multiple use and flexible design to allow for changing needs.

### **ACT Planning Strategy 2012 and Transport for Canberra**

The draft variation is also consistent with the ACT Planning Strategy 2012 and Transport for Canberra – Transport for a Sustainable City in that it:

- Ensures everyone has convenient access to a range of facilities, services and opportunities for social interaction by considering the community's requirements in Greenfield estates.
- Provides community facilities close to transport nodes and local centre encouraging active travel.

## **2.7 Interim Effect**

Section 65 of the *Planning and Development Act 2007* applies to the draft variation. This means that the provisions of Draft Variation No 358 have interim effect, and apply to development applications lodged on or after **15 December 2017**.

During the period of interim effect the ACT Government must not do or approve anything that would be inconsistent with the Territory Plan as if it were amended by the draft variation. Where there is an inconsistency between provisions in the current Territory Plan and provisions in the draft variation, then the draft variation takes precedence for the extent of the inconsistency.

Interim effect will end on the day the earliest of the following happens:

- i. the day the public availability notice under section 70 for the draft variation being recommended to the Minister is notified in accordance with the Legislation Act
- ii. the day the draft variation, or the corresponding variation, is withdrawn under section 68 (1)(b) or section 76 (3)(b)(v)
- iii. 1 year after the date of the consultation notice.



## 2.8 Consultation with Government Agencies

The 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 Land Custodian, if the draft variation would, if made, be likely to affect unleased land or leased public land – each custodian for the land likely to be affected

### National Capital Authority

The National Capital Authority provided the following comments on 24 October 2017:

*“Thank you for your referral for draft Territory Plan variation 358 Wright block B [currently registered as block 3] section 29. We have no comment to add. “*

#### Response

Noted

### Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 23 October 2017:

*“In accordance with Section 61(b) of the Planning and Development Act 2007 I advise that I have examined Draft Variation No 358, Wright Block B [currently registered as block 3] Section 29 Restrictions on Residential Land Use, that proposes to amend the precinct code for Wright to prohibit residential use on the site to ensure the land remains available for community purposes (e.g. church, scout hall, health facilities, childcare centre).*

*There are no issues of concern to the Conservator of Flora and Fauna with the proposed amendment.”*

#### Response

Noted

## **Environment Protection Authority**

The Environment Protection Authority provided the following comments on 2 November 2017:

*“Thank you for the opportunity to review and provide comments on the proposed variation to the Territory Plan.*

*The Environment Protection Authority supports the proposed variation in its current form.”*

### Response

Noted

## **Heritage Council**

The Heritage Council provided the following comments on 25 October 2017:

*“Background:*

*On 19 October 2017, entity advice was sought from the ACT Heritage Council (the Council) on a proposed Draft Variation to the Territory Plan, for amendments to the Wright precinct map and code (DV358).*

*These amendments would limit the future use of Block B [currently registered as block 3], Section 29, Wright to community purposes only, following the recent identification of Block A [currently registered as block 2], Section 29, Wright for future public housing. The proposed amendment is also informed by a Community Needs Assessment and community consultation regarding the subject site.*

*Advice:*

*Review of the ACT Heritage Register identifies that no places or objects subject to Heritage Act 2004 provisions are contained within the subject site.*

*The heritage values of the Wright area have also been previously assessed, and future effects of urban development mitigated, as part of the ACT Government's land release program (as described in CHMA 2009, CHMA 2010). In this context, no further heritage assessment or management requirements are identified, with the exception of the below:*

- In the event that Aboriginal places or objects are encountered during development, works at those locations are to cease to allow for heritage assessment and management (in accordance with Section 74 of the Heritage Act 2004) and the discoveries are to be reported to the Council within five working days (in accordance with Section 51 of the Heritage Act 2004).”*

Response

Noted

**Land Custodian**

The land custodian Suburban Land Agency provided the following comments on 26 October 2017:

*“Nil comment from the Suburban Land Agency.”*

Response

Noted

### 3. DRAFT VARIATION

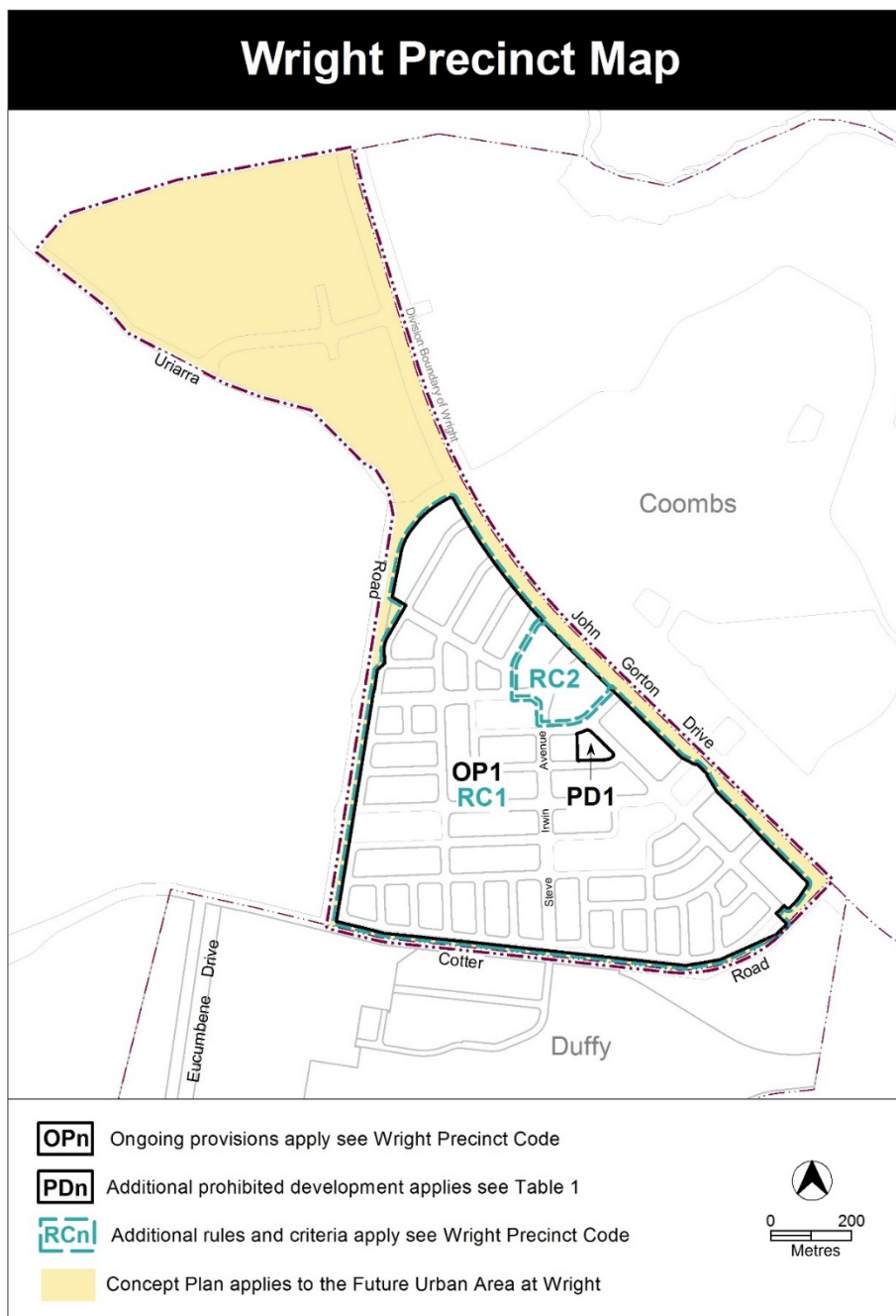
#### 3.1 Variation to the Territory Plan written statements

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

#### Variation to the Wright precinct map

##### 1. Wright precinct map – Introduce new PD – Community uses - map

*Substitute the current Wright precinct map with the following:*



## 2. Wright precinct map – Introduce new PD – Community uses – Table 1

*Insert Assessment Tracks and Table- 1 Additional prohibited development after Wright precinct map:*

### Assessment Tracks

The following table identifies the additional prohibited development for the subject block shown in the Wright Precinct Map (identified as PDn). 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 table constitutes part of the relevant zone development table.

**Table 1 – Additional prohibited development**

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CFZ	<i>Residential care accommodation Supportive housing Retirement village</i>

## 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	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