

Planning and Development (Plan Variation No 358) Approval 2018

Notifiable Instrument NI2018-305

made under the

Planning and Development Act 2007, section 76(2)(a) (Minister's powers in relation to draft plan variations)

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 358) Approval 2018*.

2 Approval of draft plan variation

(1) I approve under section 76(2)(a) of the *Planning and Development Act 2007* the draft plan variation No 358 to the Territory Plan.

(2) In this section:

Draft plan variation No 358 to the Territory Plan means the draft plan variation in the schedule.

Mick Gentleman MLA
Minister for Planning and Land Management
29/5/2018



ACT
Government

Environment, Planning and
Sustainable Development

Schedule 1

Planning and Development Act 2007

Variation to the Territory Plan No 358

Changes to Wright precinct map and
code

Wright section 29 block 3
Restrictions on residential use

May 2018

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

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1. EXPLANATORY STATEMENT

1.1 Background

On 15 March 2017 the Minister for Housing and Suburban Development announced the proposal for public housing in Wright. Following the announcement the Public Housing Renewal Taskforce (Taskforce) identified Wright section 29 block 2, which is a Community Facility zoned block, for the development of public housing. The Taskforce undertook extensive pre-consultation with the community including the Weston Creek Community Council and Wright Residents Group regarding community expectations for remainder of the site, Wright section 29 block 3 (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 Taskforce provided community feedback to other parts of the ACT Government to confirm the release of this site on the ACT Government's Indicative Land Release Program in 2018-19 with restrictions on the use 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 concluded that the provision of a community facility would fill an identified community need in Wright.

Following community feedback and the Community Needs Assessment, the ACT Government is restricting the future use of the subject site to community purposes only.

1.2 Summary of the Proposal

Territory Plan Variation 358 (V358) is amending the Wright precinct map and code to prohibit residential uses (supportive housing, residential care accommodation and retirement village) on Wright section 29 block 3. The subject site is Community Facility Zoned land. V358 is removing any residential purposes that are permitted in the Community Facility zoned block ensuring the subject site is used for community purposes only.

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 (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.

In accordance with section 10 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, the National Capital Plan defines the planning principles and policies for Canberra and the Territory, for giving effect to the object of the NCP and sets out the general policies to be implemented throughout the Territory, including the range and nature of permitted land uses.

It also sets out the detailed conditions of planning, design and development for areas that have special significance to the National Capital known as designated areas and identifies special requirements for the development of some other areas.

1.4 Site Description

The subject site, Wright section 29 block 3, is approximately 4783m² and is zoned Community Facility Zone (CFZ). The site is bounded by Diesendorf Street to the south, Wright section 29 block 2 to the west, Gornall Street to the north and Max Jacobs Avenue to the east.

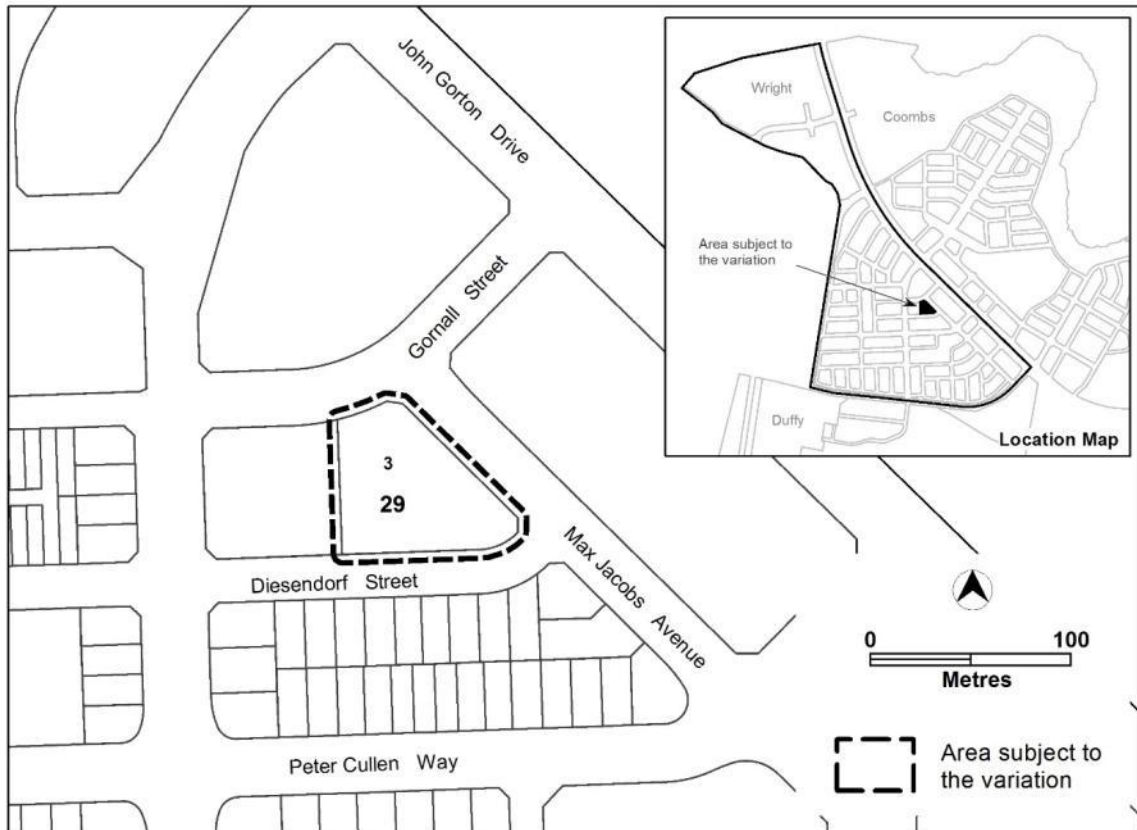


Figure 1 Site Plan

1.5 Current Territory Plan Provisions

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

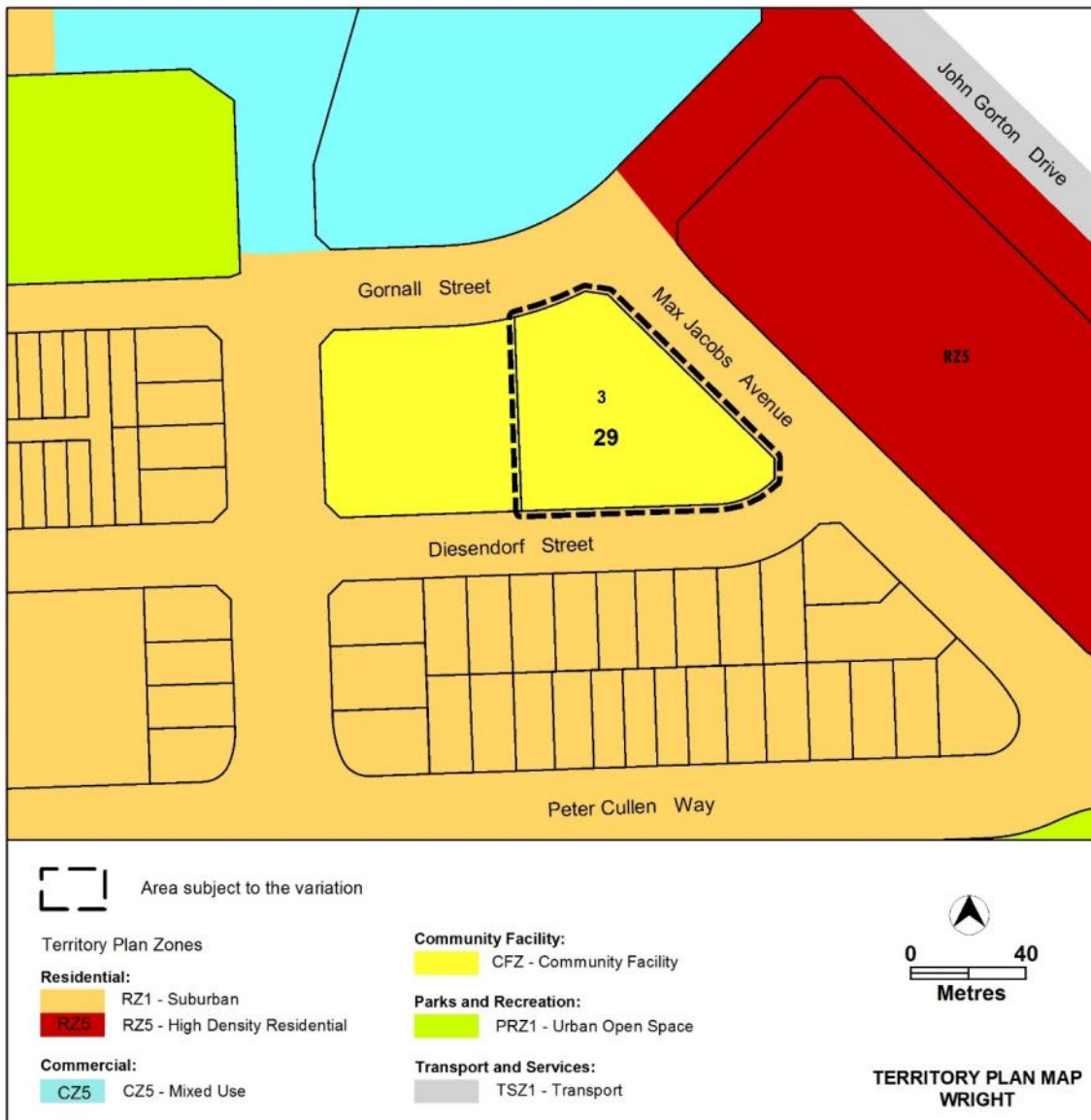


Figure 2 Territory Plan Zones Map

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

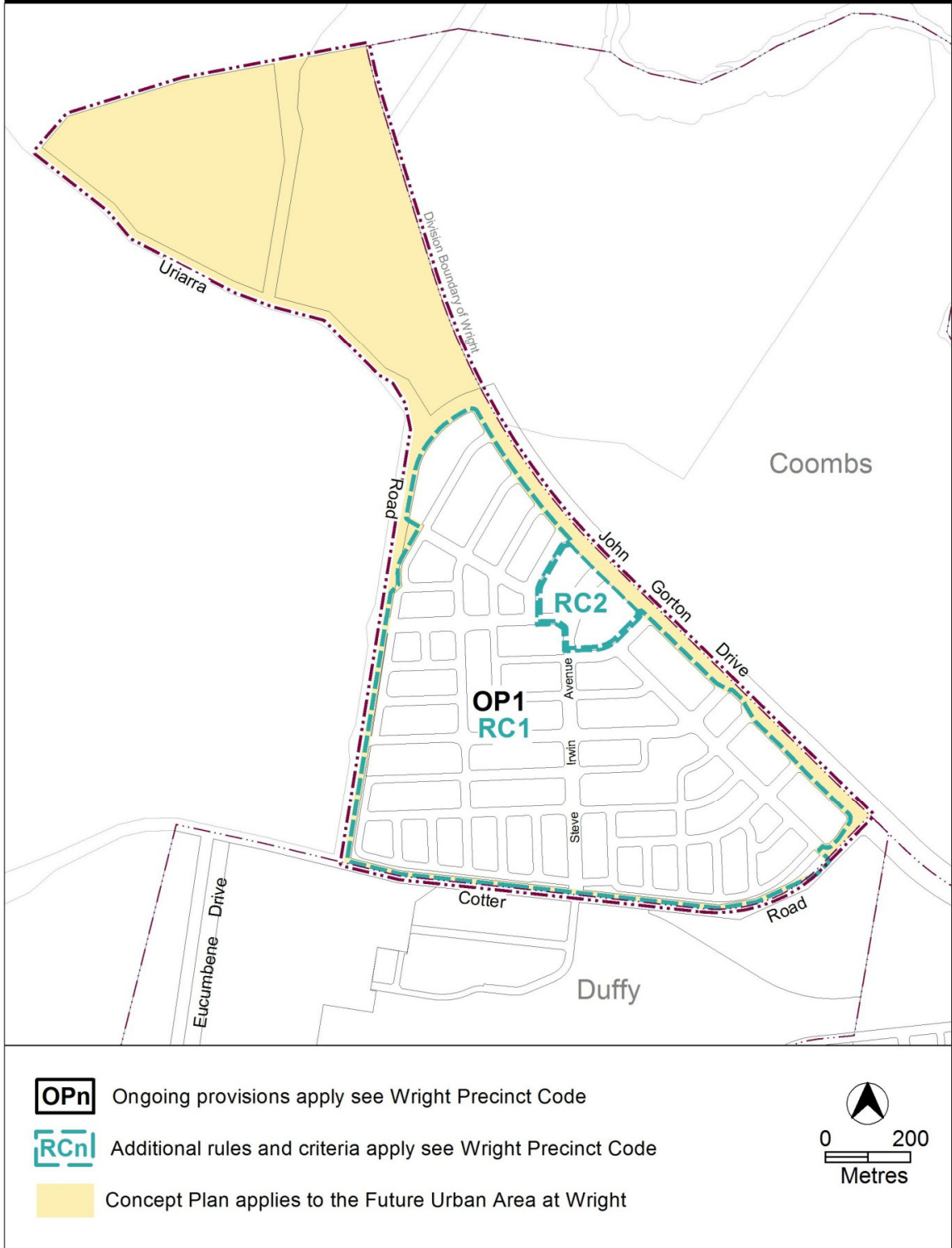


Figure 3 Wright Precinct Map

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

Variation 358 was released for public comment between Friday 15 December 2017 and Friday 23 February 2018. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register and in Public Notices on Friday 15 December 2017.

A total of two written submissions were received from individual members of the public. Main issues raised by submitters included:

- Concern about public housing in Wright
- Support for community uses for the subject site

The above issues were considered and are detailed in a report on consultation. No changes were made as a result of consultation. The outcomes of consultation were considered by the Minister for planning prior to approval of this variation.

1.8 Revisions to the Draft Variation Recommended to the Minister

No changes were made to the variation recommended to the Minister.

2. VARIATION

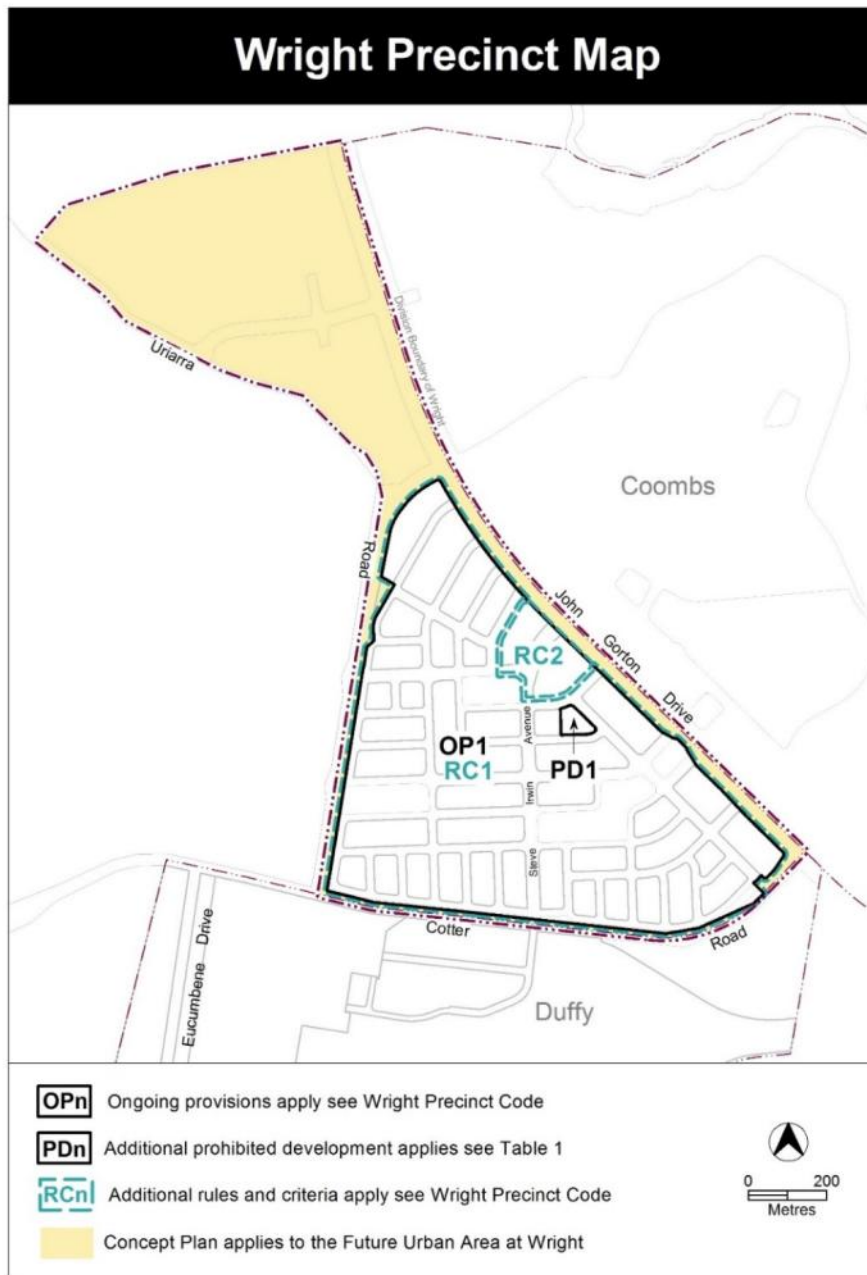
2.1 Variation to the Territory Plan

The Territory Plan map 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>

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