

Planning and Development (Plan Variation No 361) Approval 2020

Notifiable instrument NI2020-365

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 361) Approval 2020*.

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 361 to the Territory Plan.

(2) In this section:

draft plan variation No 361 to the Territory Plan means the draft plan variation in the schedule.

Mick Gentleman MLA
Minister for Planning and Land Management
25 June 2020

Schedule

(See section 2(2))



ACT
Government

Environment, Planning and
Sustainable Development

Planning and Development Act 2007

Variation to the Territory Plan 361

Kippax Group Centre Zone change and amendments to the Holt Precinct Map and Code

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

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1. EXPLANATORY STATEMENT

1.1 Background

Variation 361 (V361) implements the recommendations of the Kippax Group Centre Master Plan. The Master Plan has been prepared as part of the ACT Government initiative for encouraging the rejuvenation of selected commercial centres, and to focus development within the centre over the next 10 to 20 years.

The master planning process for this centre commenced in 2013 and has included a number of community engagement sessions with local residents, business owners and other users of the centre. The feedback provided by the community during the development of the Master Plan has informed the recommendations included in the approved Master Plan. The approved Master Plan recommendations have formed the basis of this Territory Plan variation.

1.2 Summary of the Proposal

The variation incorporates the recommendations of the recently approved Kippax Group Centre Master Plan into the Territory Plan to provide guidance on the desired built form and character of the centre as it develops into the future.

V361 rezones a number of areas as follows:

- Part of the urban open space adjacent to the existing Kippax Fair (section 51 part of blocks 37 and 47) from Parks and Recreation PRZ1 Urban Open Space to Commercial CZ1 Core Zone to allow for retail expansion of the Centre.
- The existing Commercial CZ3 Services Zone section 52, blocks 10 and 11 along Starke Street (West Belconnen Child & Family Centre and YMCA Early Learning Centre sites only) to CFZ Community Facility Zone.
- The existing Library and car park (part) on section 88 (blocks 4 & 5) from Commercial CZ1 Core Zone to CFZ Community Facility Zone.
- The existing CFZ Community Facility Zone section 51 block 22 to the Commercial CZ1 Core Zone.
- Three small blocks from the Commercial CZ3 Services Zone section 52 block 13 and CZ2 Business Zone section 51 blocks 49 and 70 to the PRZ2 Urban Open Space Zone.

The variation will retain the Commercial CZ1 Core Zone as the primary zoning for the group centre. Key changes in zoning are outlined below and current zoning is identified in Figure 2 and changes under part 2.1 of this document:

- Parks and Recreation PRZ1 Urban Open Space – an overall reduction of approximately 16,000m² most of which will be included in the Commercial CZ1 Core Zone as part of the group centre expansion area. Two small pockets of land will be added to the PRZ1 Urban Open Space Zone within the group centre.
- CFZ Community Facility Zone – an overall increase of approximately 7,643m² with land being removed primarily from the Commercial CZ3 Services Zone into the CFZ Community Facility Zone. However, one block of CFZ Community facility land is rezoned to Commercial CZ1 Core Zone.
- Commercial CZ3 Services Zone – reduced by approximately 10,500m² primarily to accommodate increased land for the CFZ Community Facility Zone as well as small pocket of Parks and Recreation PRZ1 Urban Open Space Zone.

In addition to the rezoning of land, V361 consolidates service trades into the existing Commercial CZ3 Services Zone areas of the group centre and consequentially removes the additional merit assessable development MT1 from other zones in the group centre.

V361 introduces two new access corridors including a new road and a separate pedestrian corridor connecting Moyes Crescent to Hardwick Crescent east. This is intended to improve the access, circulation and movements throughout the centre.

V361 generally retains the existing two storey height limit in the group centre, while introducing three and six storey height limits in selected locations around the group centre. This will promote redevelopment, growth, diversification and activity within the centre, consistent with the Master Plan recommendations.

Other provisions contained in V361 will guide future development and redevelopment throughout the group centre and promote high quality design outcomes. These include provisions for key active frontages, awnings, solar access, setbacks, floor to ceiling heights, materials and finishes, privacy, microclimate control and the retention and upgrade of the public central plaza.

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 requires 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 NCP 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.

1.4 Current Territory Plan Provisions

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

The central area, which includes the Kippax Fair shopping centre and central car parking area, is included in the Commercial CZ1 Core Zone, with Commercial CZ2 Business Zone located to the north and south of the core area. The Commercial CZ3 Services Zone is located to the west of the core area. Development in these areas is controlled by the Holt Precinct Map and Code and the Commercial Zones Development Code. The adjoining community facilities are covered by the Community Facility Zone Development Code, while the surrounding urban open space and playing fields are controlled by the Parks and Recreation Zone Development Code. The general codes may also apply.

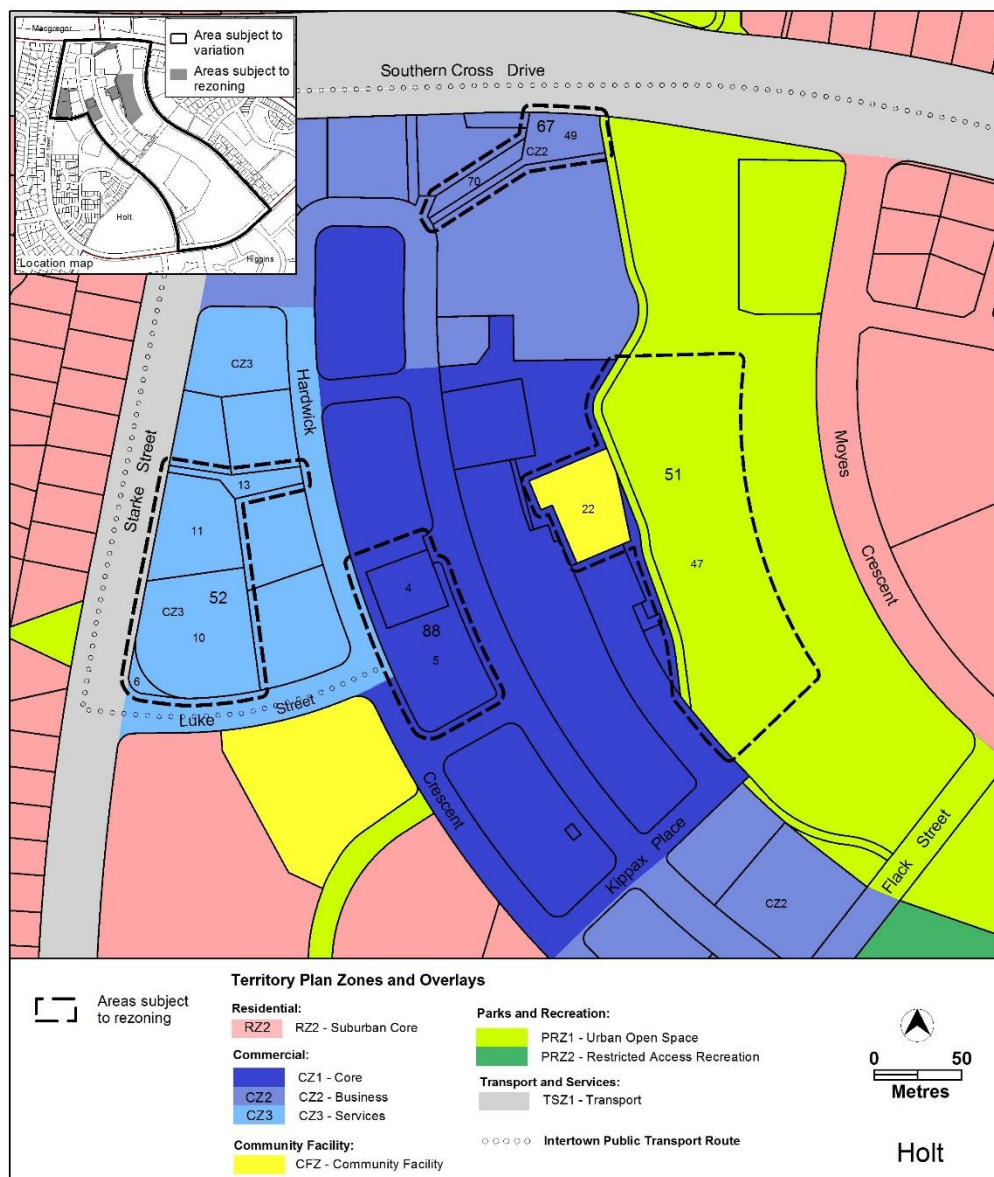


Figure 2 Territory Plan Zones Map showing areas to be rezoned

1.5 Changes to the Territory Plan

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

1.6 Consultation on the Draft Variation

The draft variation was released for public comment between 25 March 2019 and 28 June 2019. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register on 25 March 2019.

Consultation resulted in 56 written submissions being received.

The main comments were:

Issue	Number of submissions
Oppose the expansion of the Kippax Group Centre into the adjoining urban open space	38
Preference to retain the existing location and numbers of public car parks in the Kippax Group Centre	13
Support for growth within the Kippax Group Centre	13
Oppose the road connection between Hardwick and Moyes Crescents	13
Concerns about development in the urban open space and flood plain	12
Concerns about the proposed new location of the skate park	12
Concerns and queries about the supporting background documents, justification for and detailed information about the proposed amendments to the Territory Plan	12
Oppose the upgrades to existing open space in the surrounding area to compensate for the loss of open space	11
Oppose the building height increases	8
Increases the heat island effect and concerns about implementing the provisions	8

The above issues were considered and are detailed in a report on consultation which is available at www.act.gov.au/recommendedvariations. A number of changes were made as a result of consultation. The Minister responsible for planning considered the outcomes of consultation prior to approval of this variation.

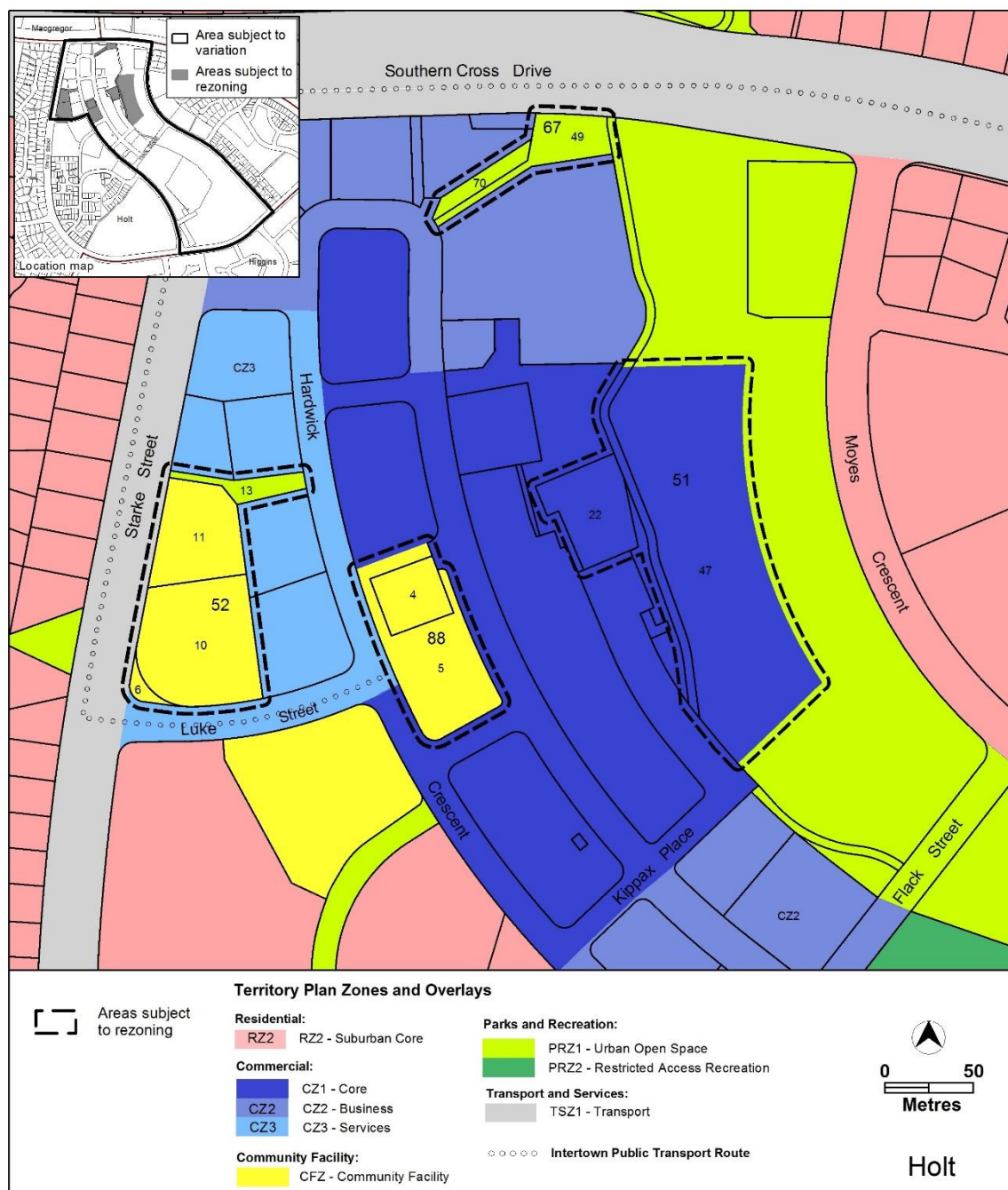
2. VARIATION

2.1 Variation to the Territory Plan

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

Variation to the Territory Plan map

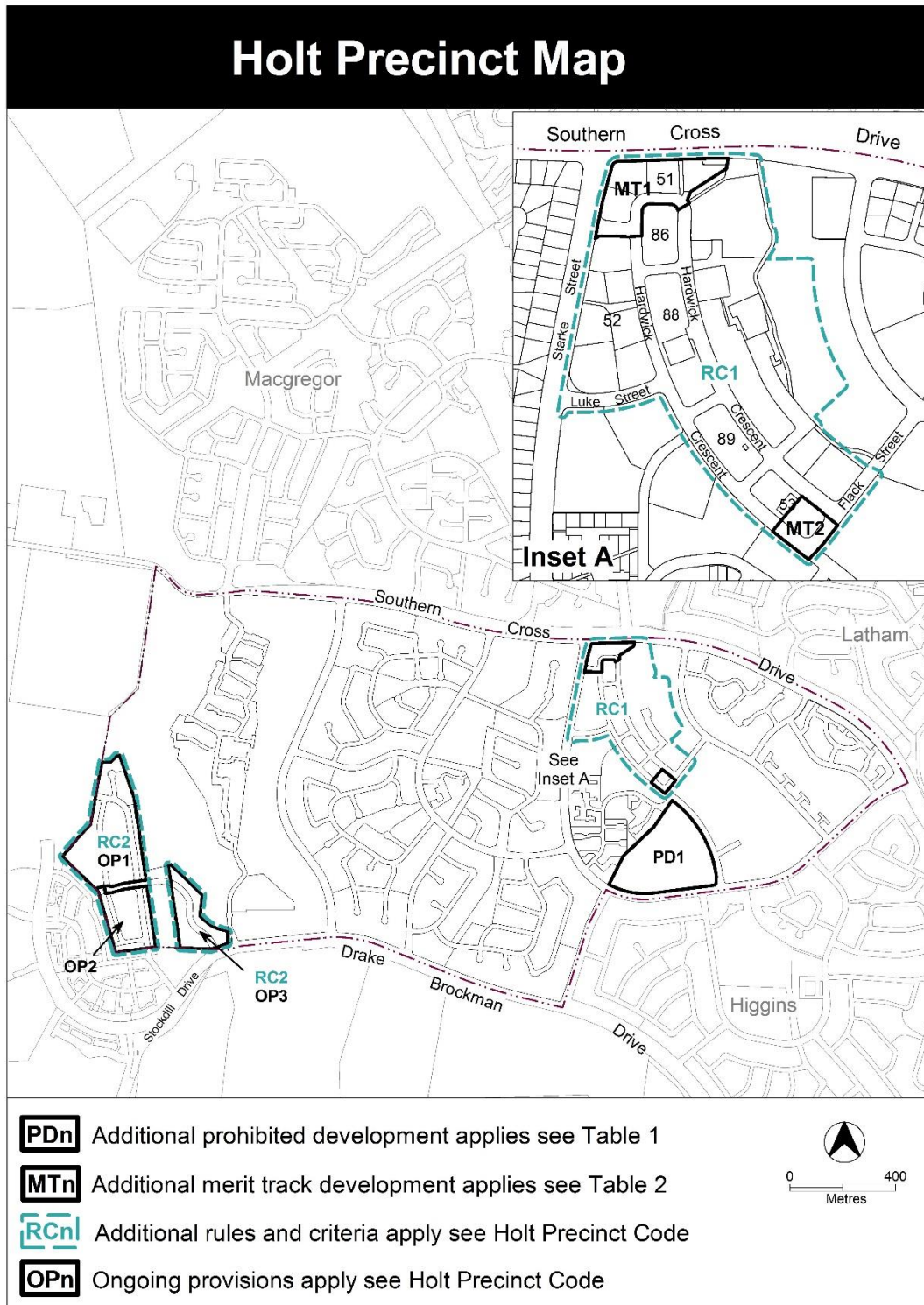
Substitute



Variation to the Holt Precinct Map and Code

1. Holt precinct map

Substitute



2. Assessment tracks, Table 2 – Additional merit track development

Substitute

Table 2 – Additional merit track development

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	CZ2	<i>funeral parlour light industry service station veterinary hospital</i>
MT2	CZ2	<i>service station</i>

3. Holt precinct code, RC1 – Kippax Group Centre

Substitute

Attachment 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-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	Ako vam je potrebna pomoć prevodioca telefoniрајте:
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

RC1 – Kippax Group Centre

This part applies to blocks and parcels identified in area RC1 shown on the Holt Precinct Map. RC1 includes the Kippax Group Centre.

Element 1: Use

Rules	Criteria
1.1 Ground floor uses	
<p>R1</p> <p>This rule applies to blocks with frontages to primary active frontages in CZ1 shown in figure 1.</p> <p>Only the following uses are permitted at the ground floor level for the length of the primary active frontage:</p> <ul style="list-style-type: none"> a) <i>business agency</i> b) <i>club</i> c) <i>community activity centre</i> d) <i>drink establishment</i> e) <i>financial establishment</i> f) <i>hotel</i> g) <i>indoor entertainment facility</i> h) <i>indoor recreation facility</i> i) <i>public agency</i> j) <i>restaurant</i> k) <i>SHOP.</i> 	<p>C1 xx</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R2</p> <p>There is no applicable rule.</p>	<p>C2</p> <p>This criterion applies to blocks in the CZ2 business and CZ3 services zone with boundaries to primary active frontages shown in Figure 1.</p> <p>Buildings incorporate uses on the ground floor that generate activity in the public space.</p>
<p>R3</p> <p>This rule applies to the ground floor residential area shown in Figure 2.</p> <p>Residential uses are permitted at the ground floor level to a maximum depth of 20 metres measured from the frontage addressing urban open space towards Moyes Crescent.</p>	<p>C3</p> <p>Ground floor residential uses comply with all of the following:</p> <ul style="list-style-type: none"> a) are located generally in accordance with the area shown in Figure 2 b) front and address the open space between the group centre and Moyes Crescent c) do not dominate ground floor commercial spaces.

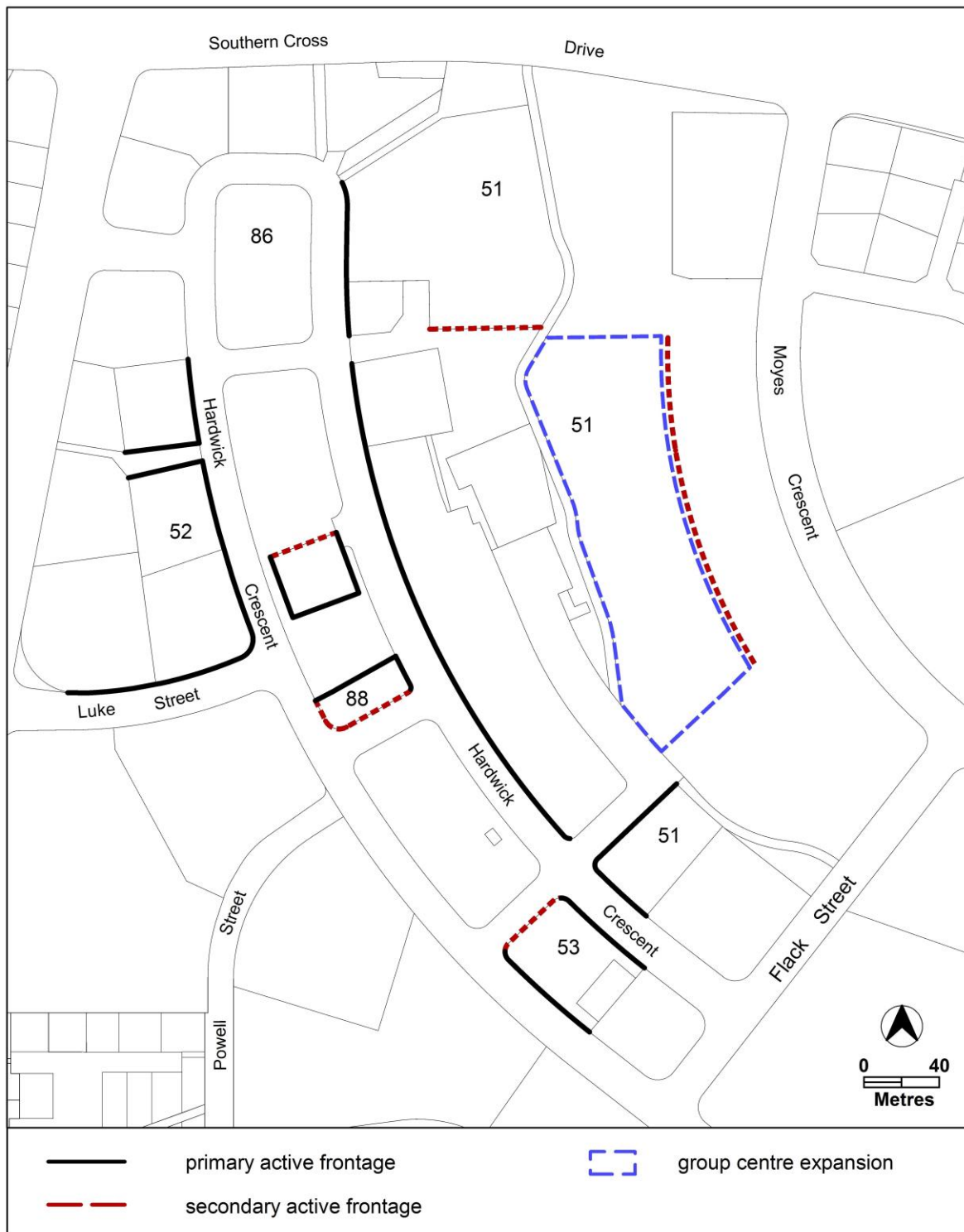


Figure 1 Active frontages

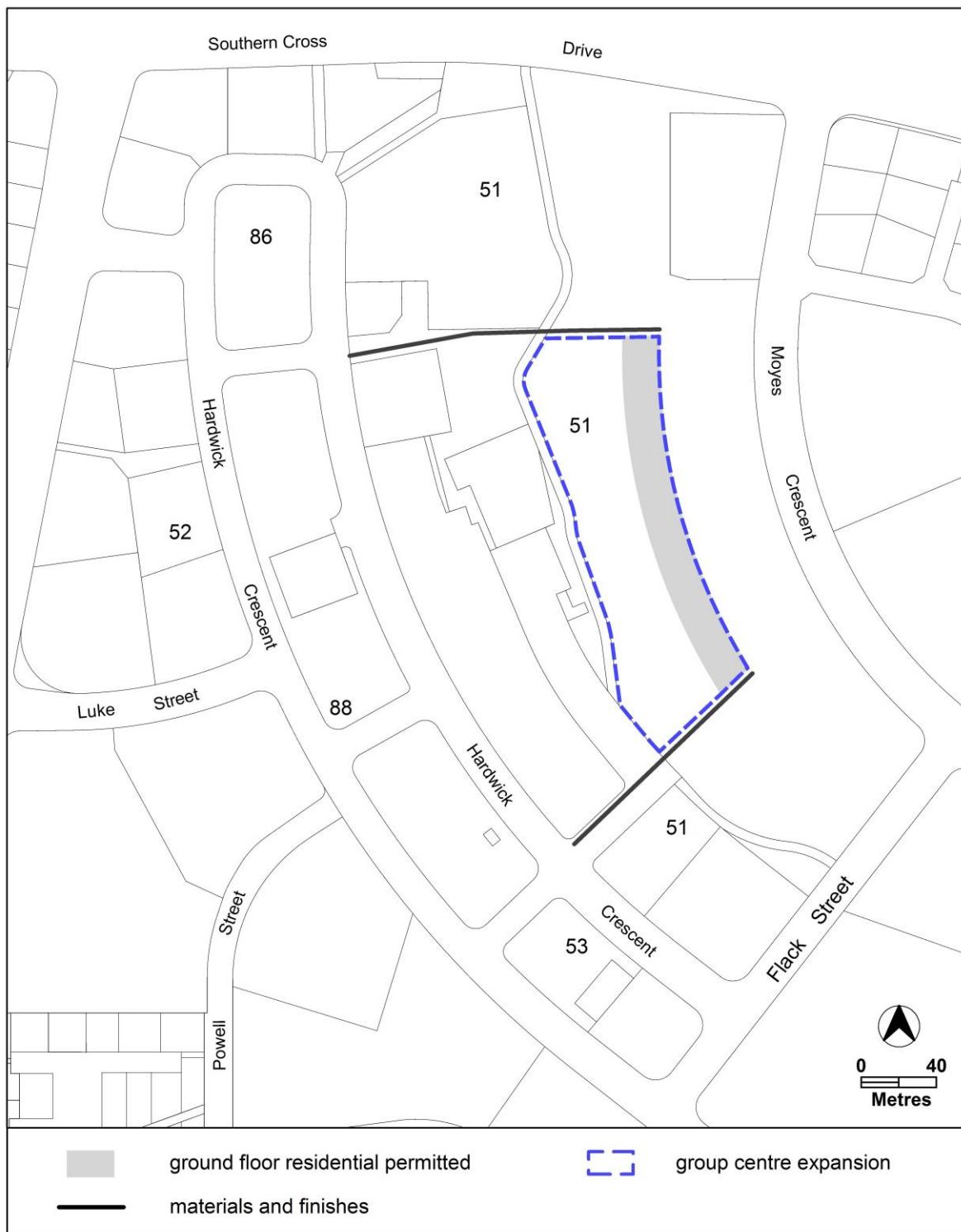


Figure 2 Ground floor uses and built form

Rules	Criteria
1.2 Development on nominated car parking areas	
<p>R4</p> <p>This rule applies to the shaded area shown in Figure 3.</p> <p>Development complies with all of the following:</p> <ul style="list-style-type: none"> a) the existing number of car parking spaces is retained on the site and made available for public use at all times b) provides car parking that is generated by the development on site in accordance with the <i>Parking and Vehicular Access General Code</i> in addition to the spaces required by item a). 	<p>C4</p> <p>Development achieves all of the following:</p> <ul style="list-style-type: none"> a) any additional parking provision requirements (under the <i>Parking and Vehicular Access General Code</i>) for the development b) makes a substantial contribution to the long term publicly accessible parking supply at the group centre.

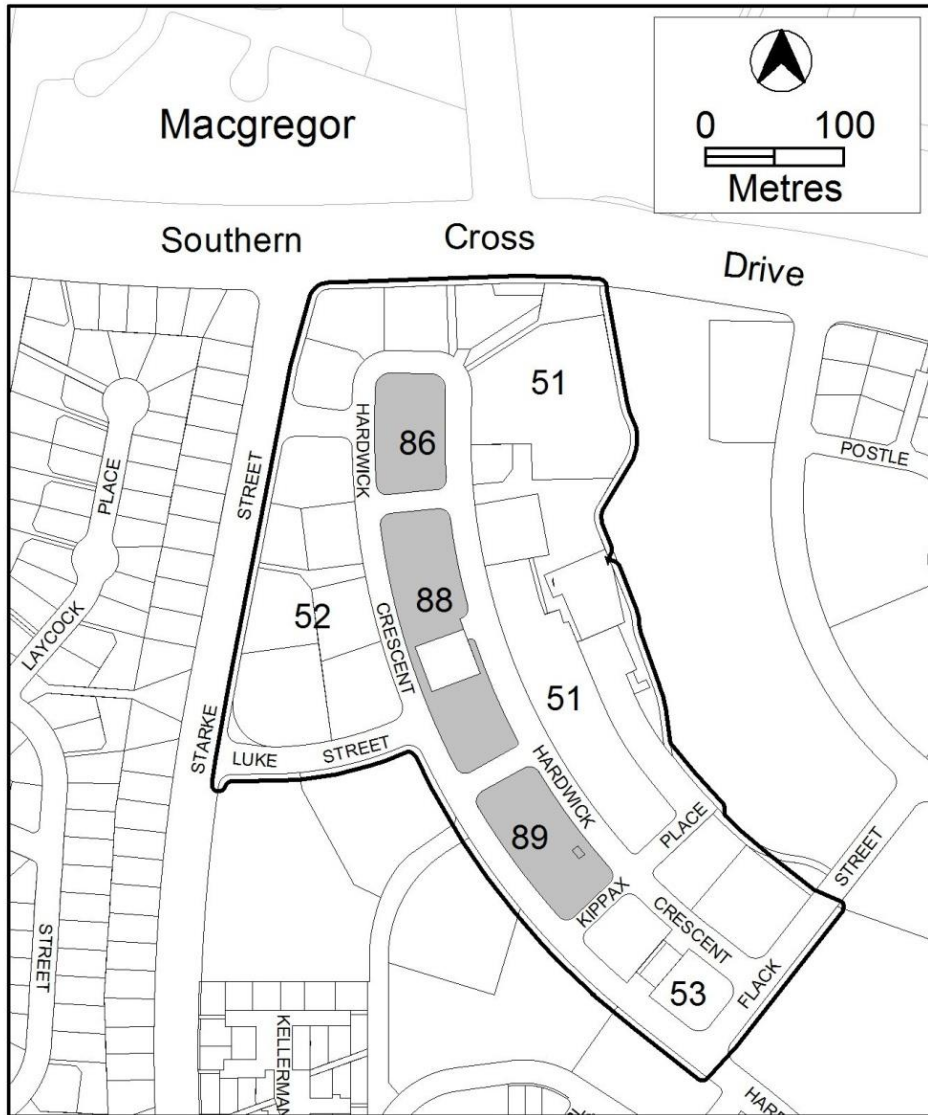


Figure 3 Nominated parking areas

Element 2: Buildings

Rules	Criteria
2.1 Active frontages	
<p>R5 xx</p> <p>There is no applicable rule.</p>	<p>C5</p> <p>This criterion applies to buildings located along primary active frontage areas identified in Figure 1. Frontages and building design comply with all of the following:</p> <ul style="list-style-type: none"> a) development is oriented towards the street b) buildings incorporate clear display windows and/or shop fronts at the ground floor level c) buildings incorporate direct pedestrian access at grade with the verge level for access and egress for persons with disabilities d) any small areas of walls without windows contain displays, showcases and/or public art, with a maximum of 30% blank frontage per tenancy.
<p>R6</p> <p>For buildings located along secondary active frontage areas identified in Figure 1, frontages and building design complies with all of the following:</p> <ul style="list-style-type: none"> a) be oriented towards the secondary active frontage b) where residential uses are permitted at the ground floor level, individual entries are provided at street or ground level to allow for physical interaction and passive surveillance. 	<p>C6</p> <p>Development at ground floor level achieves all of the following:</p> <ul style="list-style-type: none"> a) is adaptable for shops b) where building access is provided, direct pedestrian access is at street level c) provide opportunities for views into and out of the building.
2.2 Materials and finishes	
<p>R7 XXX</p> <p>There is no applicable rule.</p>	<p>C7</p> <p>This criterion applies to the area shown in Figure 2.</p> <p>Materials and finishes are of a high quality and appropriate to walls that are fronting public thoroughfares, places and spaces consistent with all of the following:</p> <ul style="list-style-type: none"> a) variations in depth and materials b) non-reflective materials where visible from the street and/or neighbouring buildings c) materials which do not contribute to heat island effect such as those with high emissivity, low thermal mass or high albedo.

Rules	Criteria
2.3 Setbacks	
<p>R8</p> <p>This rule applies to buildings fronting Hardwick Crescent as identified on Figure 4 and buildings fronting primary active frontages as identified on Figure 1.</p> <p>Buildings comply with all of the following:</p> <ul style="list-style-type: none"> e) maintain a maximum podium height of 2 storeys and 9 metres f) development above the podium is setback a minimum of 3 metres excluding balconies. 	<p>C8 xx</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R9</p> <p>This rule applies to development fronting Hardwick Crescent as identified on Figure 4.</p> <p>Buildings have a zero front setback at ground floor and podium levels.</p>	<p>C9</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) a continuous building facade to the street b) building alignment is consistent with active uses at the ground level.
<p>R10</p> <p>This rule applies to blocks in Holt section 52 as included in area 'a' on Figure 4.</p> <p>The setback to the western most block boundary is a minimum of 6 metres.</p>	<p>C10 Xx</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
2.4 Building heights	
<p>R11</p> <p>The maximum <i>height of buildings</i> is two <i>storeys</i>, except for the following areas shown in Figure 4:</p> <ul style="list-style-type: none"> a) area 'a'— six <i>storeys</i> and a maximum of 20 metres in height b) area 'b'— three <i>storeys</i> and a maximum of 11 metres in height c) area 'c' – five <i>storeys</i> and a maximum of 17 metres in height. <p>Plant room set back a minimum of 3 metres from the building facade of the floor immediately below is not included in the number of storeys.</p>	<p>C11</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
2.5 Building design	
<p>R12</p> <p>This rule applies to ground floor levels throughout the group centre.</p> <p>The minimum floor to ceiling height is 3.6 metres.</p>	<p>C12</p> <p>The ground floor level of buildings is adaptable for commercial uses.</p>

Rules	Criteria
<p>R13</p> <p>This rule applies to all residential uses at the second storey and above throughout the group centre.</p> <p>The floor to ceiling height is a minimum of 2.7 metres.</p>	<p>C13</p> <p>Floor to ceiling heights comply with all of the following:</p> <ul style="list-style-type: none"> a) contribute to natural ventilation b) promote penetration of daylight.

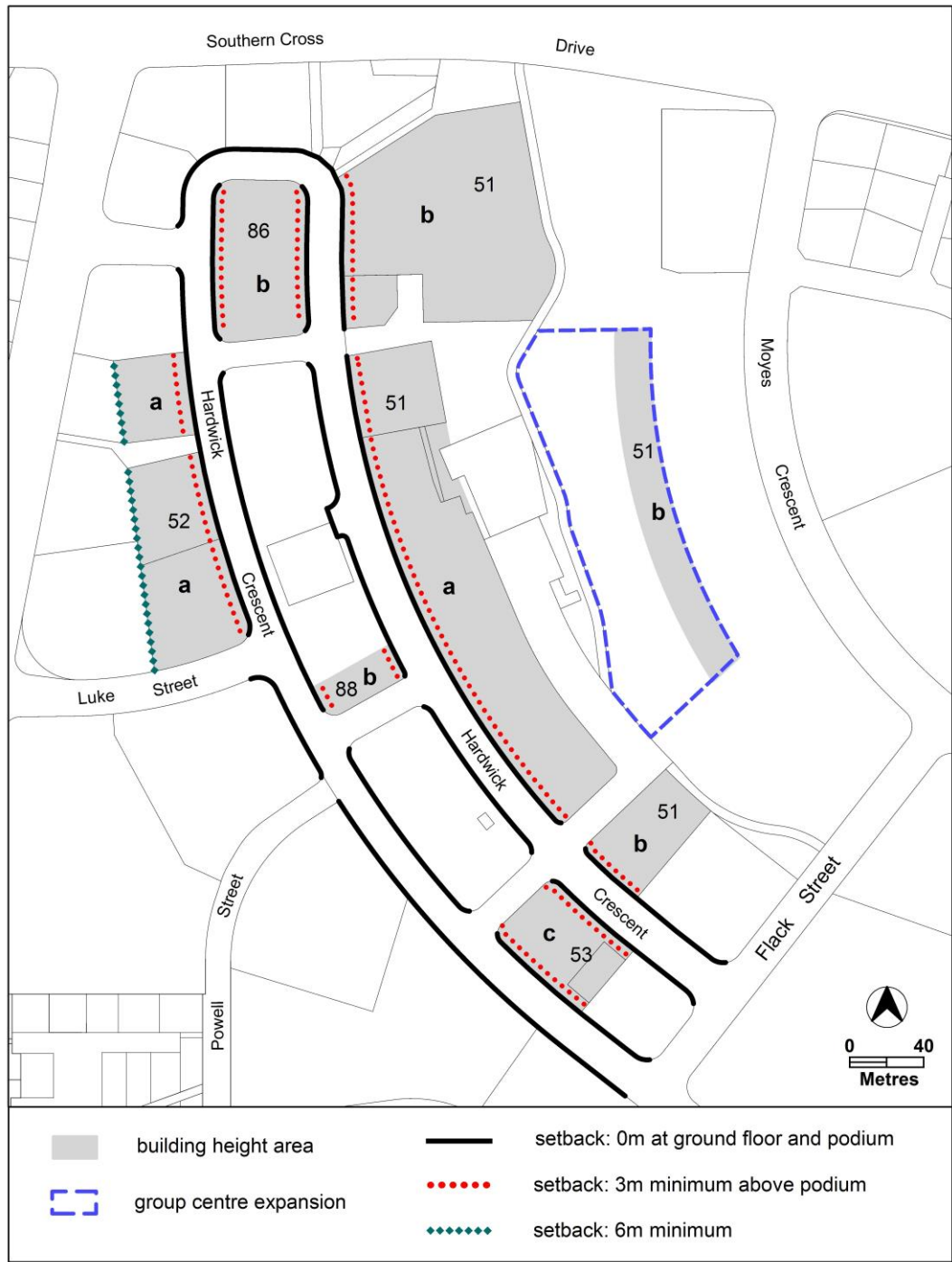


Figure 4 Building heights and set backs

Rules	Criteria
2.6 Plot ratio	
R14 There is no applicable rule.	C1414 88 <i>Plot ratio</i> achieves consistency with the <i>desired character</i> .
2.7 Privacy	
R15 xx There is no applicable rule.	C15 This criterion applies to residential development adjoining residential use or community uses. Development minimises overlooking onto adjoining uses.
2.8 Solar access and micro climate	
R16 Development retains a minimum 3 hours solar access to the main daytime living areas and <i>principal private open space</i> of <i>dwelling</i> s on adjoining blocks between the hours of 9am and 3pm on the winter solstice (21 June).	C16 Development retains reasonable solar access to <i>dwelling</i> s on adjoining <i>blocks</i> and their associated <i>principal private open space</i> .
R17 This rule applies to development adjoining the future central plaza and open space as shown on Figure 5. Public places and open spaces are not overshadowed between 10am and 2pm on the Winter Solstice (21 June).	C17 Development retains reasonable solar access to public places and open spaces.
R18 xx There is no applicable rule.	C18 Development is designed, oriented and incorporates use of landscaping and sun-shading devices to achieve all of the following: a) promote passive solar access in winter b) promote passive cooling in summer c) mitigate and minimise potential impacts on the microclimate of the centre.

Rules	Criteria
2.9 Heat island effect	
<p>R19 Xx</p> <p>There is no applicable rule.</p>	<p>C19</p> <p>Development ensures no net gain of urban heat. Compliance with this criterion is demonstrated in a microclimate assessment report by a qualified professional which details building and place design and use of mitigating measures including:</p> <ul style="list-style-type: none"> a) low thermal mass, high albedo and or high emissivity building materials and/or finishes b) inclusion of canopy trees to achieve an overall minimum of 30% shade across the commercial zones of the Kippax Group Centre, measured at mature tree height or an equivalent area should be achieved through planting on structures c) a minimum of 30% permeable surfaces across the commercial zones of Kippax Group Centre d) use of water features e) appropriate location of open space and buildings f) other types of cooling measures such as green roofs, vertical gardens and shade structures.
2.10 Awnings	
<p>R20</p> <p>This rule applies to buildings fronting primary active frontage areas shown in Figure1.</p> <p>Awnings are provided along the entire length of the building frontage that comply with all of the following:</p> <ul style="list-style-type: none"> a) cantilevered awnings for the full extent of the building frontage b) awnings are a minimum height of 3 metres above finished pavement or ground level of the verge c) awnings are integrated into the building design at the first floor level d) awnings are a minimum of 3 metres in cantilever depth, except: <ul style="list-style-type: none"> i) where opposing primary active frontages are 6 metres apart or less, awning depth may be reduced to 	<p>C20</p> <p>Awnings are provided along primary active frontages to provide suitable all weather protection for pedestrians.</p>

Rules	Criteria
<p>ensure awnings are separated by 0.5 metres</p> <p>ii) where a reduction in awning depth is required to accommodate existing infrastructure and/or street trees.</p>	
2.11 Loading docks	
<p>R21</p> <p>This rule applies to any loading dock located fully or partly within the group centre expansion area shown in Figure 5.</p> <p>The loading dock complies with all of the following:</p> <p>a) is designed as forward in and forward out</p> <p>b) is acoustically sealable.</p>	<p>C21 Xx</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 3: Subdivision

Rules	Criteria
3.1 Pedestrian connections	
<p>R22</p> <p>This rule applies to the area shown in Figure 5</p> <p>Pedestrian connections comply with all of the following:</p> <p>a) minimum unobstructed internal width is 3m</p> <p>b) a minimum extent of 30% glazing at the ground floor measured along the length of the pedestrian connection</p> <p>c) access to ground floor commercial tenancies adjoining the pedestrian connection.</p>	<p>C22</p> <p>Pedestrian connections achieve all of the following:</p> <p>a) reasonable public access</p> <p>b) views into and out of adjoining commercial premises</p> <p>c) clearly identifiable entrances</p> <p>d) minimised distances between opposing entrances of pedestrian connections.</p>

Element 4: Entity (Government agency) endorsement

Rules	Criteria
4.1 Entity endorsement	
<p>R23</p> <p>The following matters are to be endorsed by Transport Canberra and City Services</p> <ul style="list-style-type: none"> a) landscaping b) footpaths c) pedestrian connections d) driveway access. 	<p>C23</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>
4.2 Off-site works for the development of the group centre expansion area	
<p>R24 XXX</p> <p>There is no applicable rule.</p>	<p>C24</p> <p>This criterion applies to the group centre expansion area shown in Figure 5.</p> <p>Development of the group centre expansion area must include the following off-site works that are required to be designed and constructed to the satisfaction of the Transport Canberra and City Services Directorate:</p> <ul style="list-style-type: none"> a) upgrade the open space identified in area A in Figure 5 consistent with all of the following: <ul style="list-style-type: none"> i) a flood investigation report demonstrating that development in the expansion area does not increase flood risk in Area A ii) details of flood mitigation measures and water sensitive urban design works to be implemented as off-site works b) demolish the existing community building and construct a new community building as identified in Figure 5 c) construct a new road identified in Figure 5 consistent with all of the following: <ul style="list-style-type: none"> i) construct road A generally in accordance with Figure 5 ii) construct road A such that it can be connected road B to form a through road iii) provide basement access to development in the group centre expansion area from road A d) construct a new pedestrian path identified in Figure 5 consistent with all of the

Rules	Criteria
	<p>following:</p> <ul style="list-style-type: none"> i) construct path A generally in accordance with Figure 5 ii) construct path A such that it can be connected to path B to form a thoroughfare <p>e) construct the new skate park in a central location within the urban open space area identified in Figure 5 consistent with all of the following:</p> <ul style="list-style-type: none"> i) is outside the drainage line ii) has good passive surveillance from surrounding streets and residential areas. <p><i>Note: the pedestrian path within the shopping centre would only be publicly accessible during opening hours.</i></p>
<p>R25 XXX</p> <p>There is no applicable rule.</p>	<p>C25</p> <p>This criterion applies to road B identified on Figure 5</p> <p>Development of the blocks containing and/or fronting part B of the new road must be consistent with all of the following:</p> <ul style="list-style-type: none"> a) construct road B consistent with Figure 5 for the length of the block b) construct road B such that it can connected to road A to form a through road c) design and construct the road to the satisfaction of the Transport Canberra and City Services Directorate.
<p>R26 XXX</p> <p>There is no applicable rule.</p>	<p>C26</p> <p>This applies to path B identified on Figure 5</p> <p>Development of blocks containing and/or fronting the pedestrian path B must be consistent with all of the following:</p> <ul style="list-style-type: none"> d) construct path B as identified on Figure 5 e) construct the path B such that it can be connected to path A to form a thoroughfare f) design and construct the off-site parts of the path of the satisfaction of the Transport Canberra and City Services Directorate.

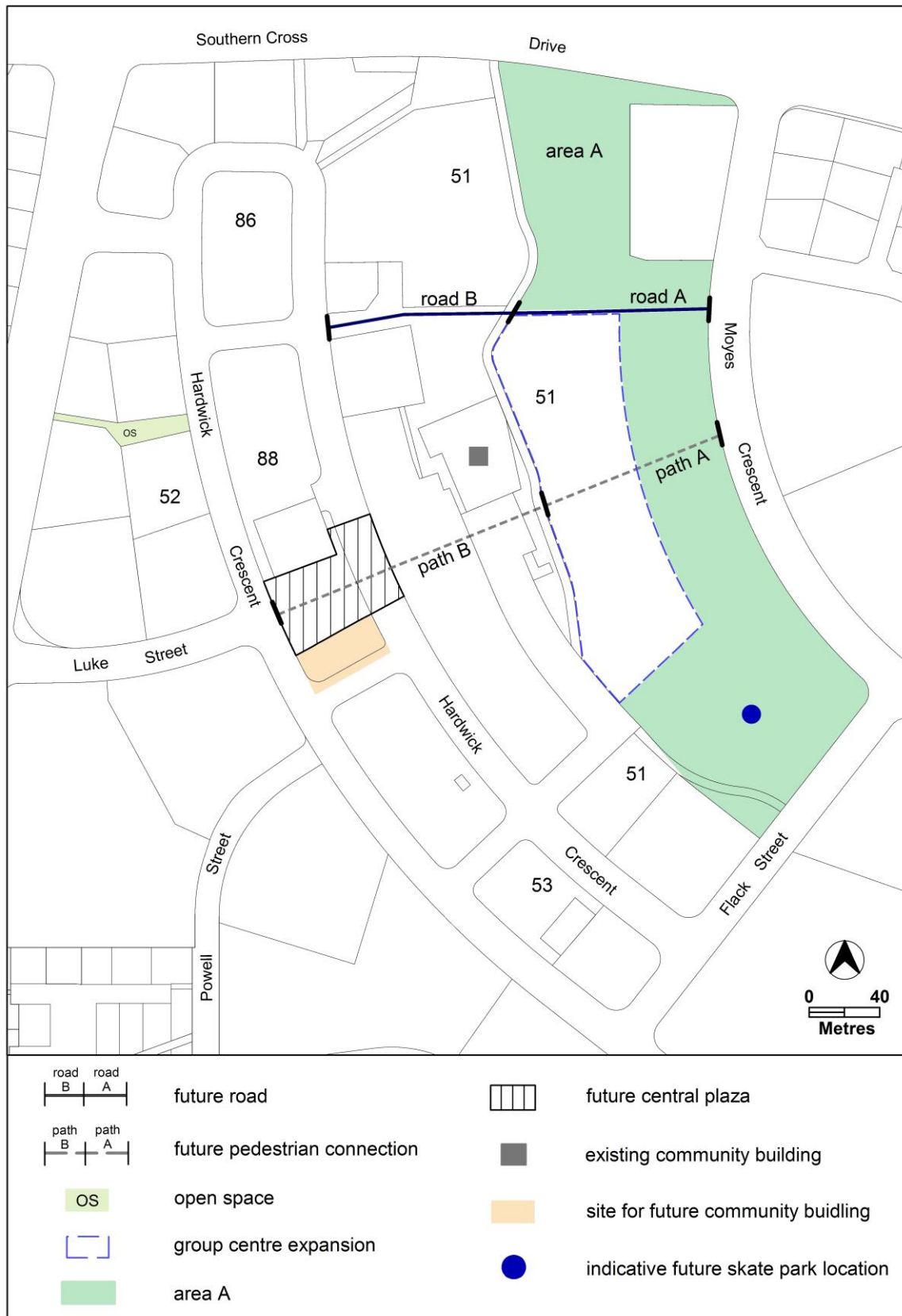


Figure 5 Future roads, pedestrian paths, public spaces and community buildings