

Australian Capital Territory

# Planning and Development (Plan Variation 378) Approval 2021

Notifiable instrument NI2021-660

made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Plan Variation 378) Approval 2021*.

## 2 Approval of draft plan variation

- (1) I approve under section 76 (2) (a) of the *Planning and Development Act 2007* the plan variation 378 to the Territory Plan.
- (2) In this section:

*plan variation 378 to the Territory Plan* means the plan variation in the schedule.

Mick Gentleman MLA  
Minister for Planning and Land Management  
2/11/2021



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Schedule (See section 2(2))

*Planning and Development Act 2007*

# Variation to the Territory Plan 378

Bruce section 32 blocks 3 and 8  
Supermarket

October 2021

Final variation prepared under s 76 of the  
*Planning and Development Act 2007*

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# 1. EXPLANATORY STATEMENT

## 1.1 Background

The provisions of the Bruce Precinct Map and Code in the Territory Plan limits the supermarket size in the commercial CZ5 mixed use zoned areas of Bruce. The existing 200m<sup>2</sup> limit on supermarket size is intended to retain the retail hierarchy and to encourage supermarket development within the existing Commercial CZ4 Local Centre zone. However, the Bruce local centre is now fully developed without a supermarket.

Given the population growth in this area in recent years, there is a clear demand for a local centre scale supermarket in this area (Figure 1). The subject site (Figure 2) is located across Thynne Street from the existing Bruce local centre and a supermarket on this site would consolidate this area as a fully functioning local centre into the future.

## 1.2 Summary of the Proposal

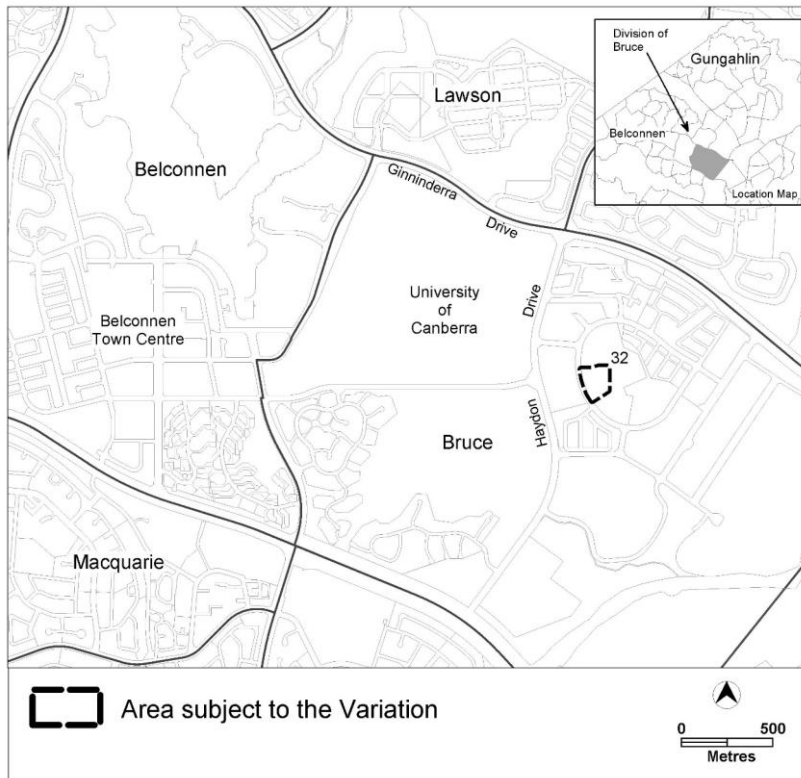
Variation 378 (V378) varies the Territory Plan to allow development of a supermarket up to 1000m<sup>2</sup> at Bruce section 32 blocks 3 and 8 (Figure 1).

The land is included in the Commercial CZ5 Mixed Use Development zone within which a shop (including a supermarket) is a permitted use. However, the Bruce Precinct Map and Code mandatory rule R6 imposes a size limit of 200m<sup>2</sup> on supermarkets across the RC2 – Commercial Mixed Use Area.

V378 amends the Bruce Precinct Map and Code to allow a supermarket on Bruce section 32 blocks 3 and 8 with a maximum size of 1000m<sup>2</sup>.

Further, provision has been made in the amendments to the Bruce Precinct Map and Code for section 32 blocks 3 and 8, to require the replacement of removed Acacias (wattle) at a ratio of 2:1 with a similar species composition as existing in addition to other species favoured by Superb Parrots.

The variation also introduces a criterion to minimise heat island effects across the Bruce RC2 – Commercial Mixed Use Area. This is consistent with Action 6 of Canberra's Living Infrastructure Plan – Cooling the City.



**Figure 1 Location map**

### 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 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.

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

V378 varies the Territory Plan to allow the development of a supermarket at Bruce section 32 blocks 3 and 8 (Figure 2).

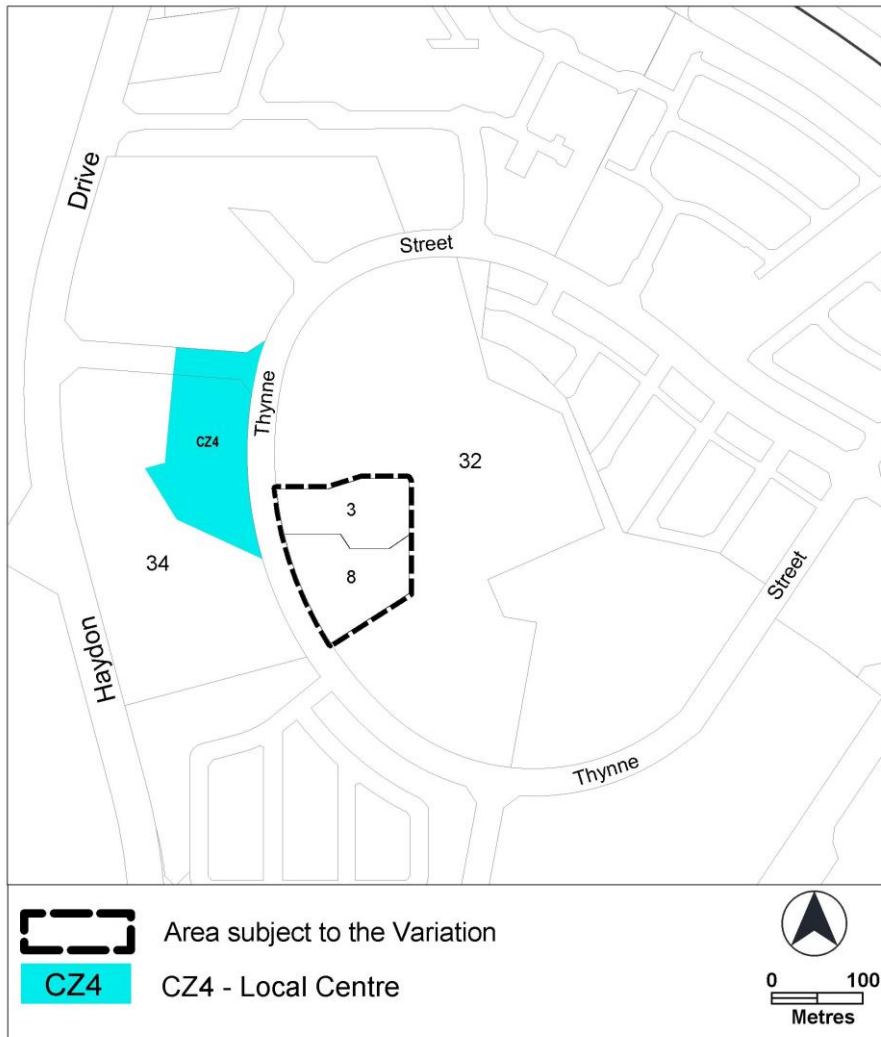


Figure 2 Site Plan

## 1.5 Current Territory Plan Provisions

The land is included in the Commercial CZ5 Mixed Use Development Zone within which a shop (including a supermarket) is a permitted use. The Bruce Precinct Map and Code mandatory rule R6 imposes a size limit of 200m<sup>2</sup> on supermarkets across the RC2 – Commercial Mixed Use Area.

## 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

The draft variation was released for public comment from Monday 1 February 2021 until Friday 19 March 2021. A consultation notice under section 63 of the Planning and Development Act 2007 (the Act) was published on the ACT Legislation Register on Monday 1 February 2021. A public notice was placed on the ACT Government public notices website on 2 February 2021.

A total of seven (7) written public submissions were received with comments related to the following:

Issue	Number
Support for DV378	2
Opposition to DV378	5
Concerns about traffic and transport, including: <ul style="list-style-type: none"><li>negative impacts on parking at the local centre which is already problematic</li><li>traffic impacts on Thynne Street due to the supermarket</li><li>request for more parking on site including underground parking</li><li>need for intersection upgrades, including at Thynne/Eardley Street intersections amongst others</li><li>request for traffic calming measures at the Bruce local centre and a pedestrian crossing at the Bruce local centre and a footpath to be constructed along Thynne Street</li><li>the area is too hilly for active travel to and from the shops and people will drive</li></ul>	4 submissions were concerned about traffic impacts  3 submissions were concerned about parking  1 submission raised each of the other issues respectively
Object to a supermarket in this location as it is not needed, it will have a negative impact on the retail hierarchy and other centres, and it is not in the community interest	3
Object to out of hours noise from the supermarket. Current noise is limited to office hours	2
Request to replant trees in proximity to the site to make up for trees to be removed	1
The draft variation will be approved regardless of consultation processes	1

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 responsible 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 draft variation recommended to the Minister.

## 2. VARIATION

### Variation to the Bruce Precinct Map and Code

**1. [RC2 – Commercial Mixed Use Area, Element 3: uses, 3.3 SHOP – CZ5 – gross floor area**

*Substitute 3.3 with*

Rules	Criteria
<b>3.3 SHOP – CZ5 – gross floor area</b>	
<p>R6</p> <p>The maximum <i>gross floor area</i> is:</p> <ul style="list-style-type: none"> <li>• for <i>SHOP</i> – 500m<sup>2</sup></li> <li>• for <i>supermarket</i> – 200m<sup>2</sup> except where identified in Figure 1.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R6A</p> <p>This rule applies to the area identified on Figure 1.</p> <p>Development complies with all of the following:</p> <ol style="list-style-type: none"> <li>a) one <i>supermarket</i> larger than 200m<sup>2</sup> is permitted in the area identified in Figure 1</li> <li>b) the maximum <i>gross floor area</i> for the <i>supermarket</i> is 1000m<sup>2</sup>.</li> </ol>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



**2. RC2 – Commercial Mixed Use Area, Element 4: Buildings, 4.4 Ground floor residential – commercial adaptability**

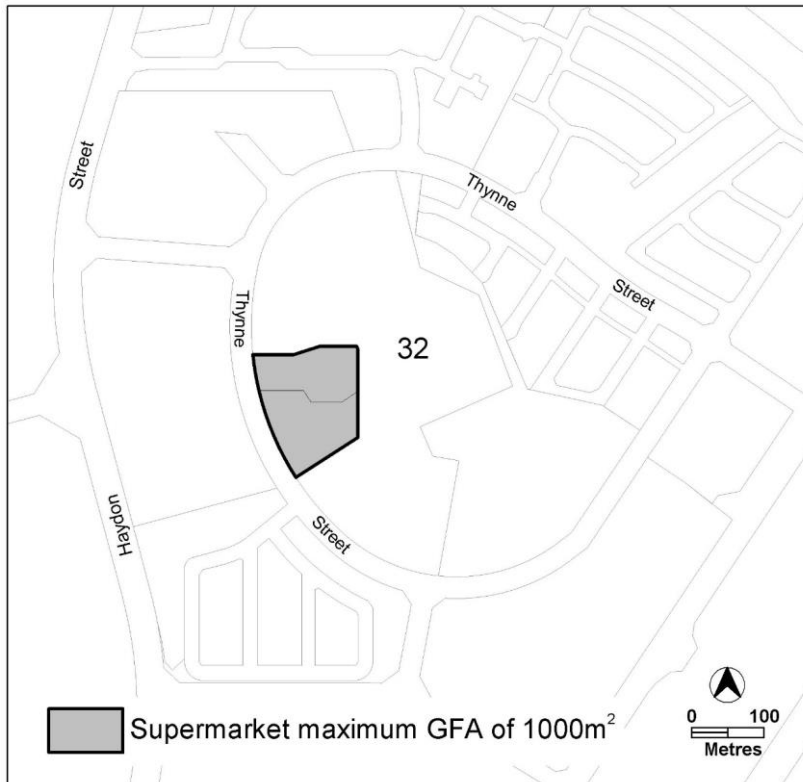
*Insert*

- 4.5 Heat Island
- Element 5: Environment
- 5.1 Trees
- Figure 1 Supermarket RC2 Bruce commercial mixed use area

Rules	Criteria
<b>4.5 Heat island</b>	
<p>There is not applicable rule.</p>	<p>C10A</p> <p>This criterion applies to all development except single dwelling housing and dual occupancy housing developments.</p> <p>Development achieves no net gain of urban heat to the block on which development is occurring.</p> <p>Compliance with this criterion is demonstrated in a microclimate assessment report by a suitably qualified professional which details building and place design and use of mitigating measures such as:</p> <ul style="list-style-type: none"> <li>a) use of low thermal mass, high albedo and or high emissivity building materials and or finishes where exposed to solar radiation in summer</li> <li>b) inclusion of canopy trees in appropriate locations to maximise summer time shading and winter time warming</li> <li>c) permeable surfaces in appropriate locations, particularly around canopy trees</li> <li>d) use of water features</li> <li>e) appropriate location and spacing of open space and buildings</li> <li>f) other types of cooling measures such as green roofs, vertical gardens and shade structures.</li> </ul> <p>For the purpose of this criterion a 'suitably qualified professional' is a person with qualifications, experience and/or skills, relevant to urban climate science, urban modelling and microclimate assessment.</p>

## Element 5: Environment

Rules	Criteria
<b>5.1 Trees</b>	
<p>There is not applicable rule.</p>	<p>C10B</p> <p>This criterion applies to the area identified in Figure 1.</p> <p>Provide tree species on the site that are favoured by the Superb Parrot consistent with all of the following:</p> <ol style="list-style-type: none"> <li>a) replacement of the Acacia trees to be removed from the site at a ratio of 2:1 with a similar species composition as the removed trees and other species favoured by Superb Parrots</li> <li>b) provision for deep root planting for shade trees on the site in addition to the deep root planting on the periphery of the site.</li> </ol> <p>Compliance with this criterion is demonstrated in a landscape plan prepared by a qualified professional.</p>



**Figure 1 Supermarket RC2 Bruce commercial mixed use area**

## 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, çempel:
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 telefonirajte:
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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