

Planning and Development (Draft Variation No 375) Consultation Notice 2021

Notifiable instrument NI2021—92

made under the

Planning and Development Act 2007, s 63 (Public consultation—notification)

1 Name of instrument

This instrument is the *Planning and Development (Draft Variation No 375) Consultation Notice 2021*.

2 Draft variation to the Territory Plan

The planning and land authority (the *Authority*) has prepared a draft plan variation No 375 – Demonstration Housing, Manor House, Griffith section 31 block 6 (the *draft variation*) to vary the Territory Plan. The draft variation will make amendments to the Multi Unit Housing Development Code and the Griffith Precinct Map and Code.

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, Land Planning and Building Services Shopfront, 8 Darling Street Mitchell ACT, 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 **16 April 2021** (the *consultation period*).
- (3) Copies of the documents mentioned in section 3 (1) are also available for inspection during the consultation period online at www.act.gov.au/draftvariations.

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; or
 - (b) mail to Territory Plan Section, EPSDD, GPO Box 158, Canberra, ACT 2601; or
 - (c) hand delivery to Access Canberra, Land Planning and Building Services Shopfront, 8 Darling Street, Mitchell ACT.

Note All 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.

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, Land Planning and Building Services Shopfront, 8 Darling Street, Mitchell, 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.
- (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

Section 65 of the Act does not apply in relation to the draft variation and therefore it does not have interim effect as a result of notification of this instrument. Where a draft variation does not have interim effect, the current Territory Plan will continue to apply.

7 Obtaining further information

Further information about the draft variation can be obtained through email correspondence with the Territory Plan Section, EPSDD, at terrplan@act.gov.au. A reference to the draft variation should be included in any email.

8 Dictionary

In this instrument:

draft plan variation No 375 – Demonstration Housing, Manor House, Griffith section 31 block 6 means the draft plan variation Schedule 1.

Lesley Cameron
Delegate of the planning and land authority
17 February 2021



ACT
Government

Environment, Planning and
Sustainable Development

Schedule 1

Planning and Development Act 2007

Draft
Variation to the
Territory Plan
375

Demonstration Housing
Manor House
Griffith section 31 block 6

February 2021

Draft variation for public consultation prepared
under s60 of the *Planning and Development Act 2007*

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Contents

| | | |
|-----------|--|-----------|
| 1. | INTRODUCTION | 1 |
| 1.1 | Summary of the Proposal | 1 |
| 1.2 | Outline of the process | 1 |
| 1.3 | Public Consultation..... | 2 |
| 2. | EXPLANATORY STATEMENT | 4 |
| 2.1 | Background | 4 |
| 2.2 | Site Description | 5 |
| 2.3 | Current Territory Plan Provisions | 6 |
| 2.4 | Proposed Changes to Territory Plan | 7 |
| 2.5 | Reasons for the Proposed Draft Variation | 7 |
| 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 |
| 3. | DRAFT VARIATION | 12 |
| 3.1 | Variation to the Territory Plan..... | 12 |

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1. INTRODUCTION

1.1 Summary of the Proposal

Demonstration Housing is closely aligned with the ACT Government's Housing Choices policy project. Housing Choices investigates ways in which the housing needs of residents can be better met now and in the future. Its aim is to introduce more flexibility into the planning system to enable more housing choice in housing type, and encourage the kind of quality residential buildings that the community wants.

Extensive community engagement was undertaken as part of the Housing Choices project. The community indicated that it wants more housing diversity including options to age in place, better construction quality, better housing design, more affordable housing, and infill development that reflects Canberra's garden city principles.

Demonstration Housing is intended to deliver different housing types that are not currently available in Canberra and that support high quality design, build quality, housing choice, environmental sustainability and medium density infill.

Demonstration Housing projects aim to build, showcase and test different housing types which will help inform housing choice policy development.

To support Demonstration Housing, this draft variation proposes to amend the Griffith Precinct Map and Code to define 'manor house' as a new type of development and add it as an additional merit track assessable development at Griffith section 31 block 6.

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 that 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 Director-General of EPSDD is the planning and land authority.

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 nonurban), precincts and overlays. The zone, precinct and overlay requirements are detailed in 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 (planning and land authority) 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 Public Consultation

Written comments about the draft variation are invited from the public by **16 April 2021**.

Comments should include reference to the draft variation and be addressed to the Territory Plan Section, EPSDD. 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
- mailed to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- delivered to Territory Plan Section, Access Canberra, Land, Planning and Building Services Shopfront, 8 Darling Street, Mitchell

Copies of written comments received with respect to the draft variation 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, Land, Planning and Building Services Shopfront, 8 Darling Street, Mitchell ACT and will 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** 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 Access Canberra, Land, Planning and Building Services Shopfront, 8 Darling Street, Mitchell, 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

The Demonstration Housing Project was established to test and showcase how the ACT can best contribute to making a compact, sustainable, accessible and active city through innovative planning, design and delivery.

The Demonstration Housing Project responds to an ACT Legislative Assembly resolution passed in June 2017, which asked the ACT Government to engage with the community and industry stakeholders about how to deliver demonstration housing proposals that showcase best-practice in one or more of the following areas:

- excellence in construction and design quality
- carbon neutral buildings
- medium density infill
- innovative planning and engagement approaches
- innovative housing products and typologies
- close partnership with industry bodies
- options for public and affordable housing

Demonstration Housing offers a ‘hands on’ opportunity to test the effectiveness of different housing types through real examples and future review through post-occupancy assessment.

The demonstration housing the subject of this Variation is a ‘Manor House’. Manor house consists of 4 dwellings in a 2-storey form plus basement, and aims to present as a single dwelling from the street. This is not currently permitted in RZ1.

The experience gained from Demonstration Housing will inform future government policy and Territory Plan changes, to encourage and support improved housing choice and housing quality in Canberra.

Each proponent has gone through a rigorous two-stage evaluation process which has resulted in design refinements. The evaluation criteria included an assessment against the demonstration housing concept, design quality and build quality. Proponents were required to present and receive endorsement from the National Capital Design Review Panel. Community consultation in accordance with an approved engagement strategy was also undertaken.

2.2 Site Description

The subject site is at Griffith section 31 block 6 and is zoned Residential RZ1 Suburban. It is a corner block with a frontage of approximately 30m to Blaxland Crescent and 40m to Frome Street. The block has an area of 1166m² and is located opposite St Edmund's College. The site is occupied by a single storey residence.



Figure 1 Location map

2.3 Current Territory Plan Provisions

The current Territory Plan zoning map is shown in **Figure 2**.

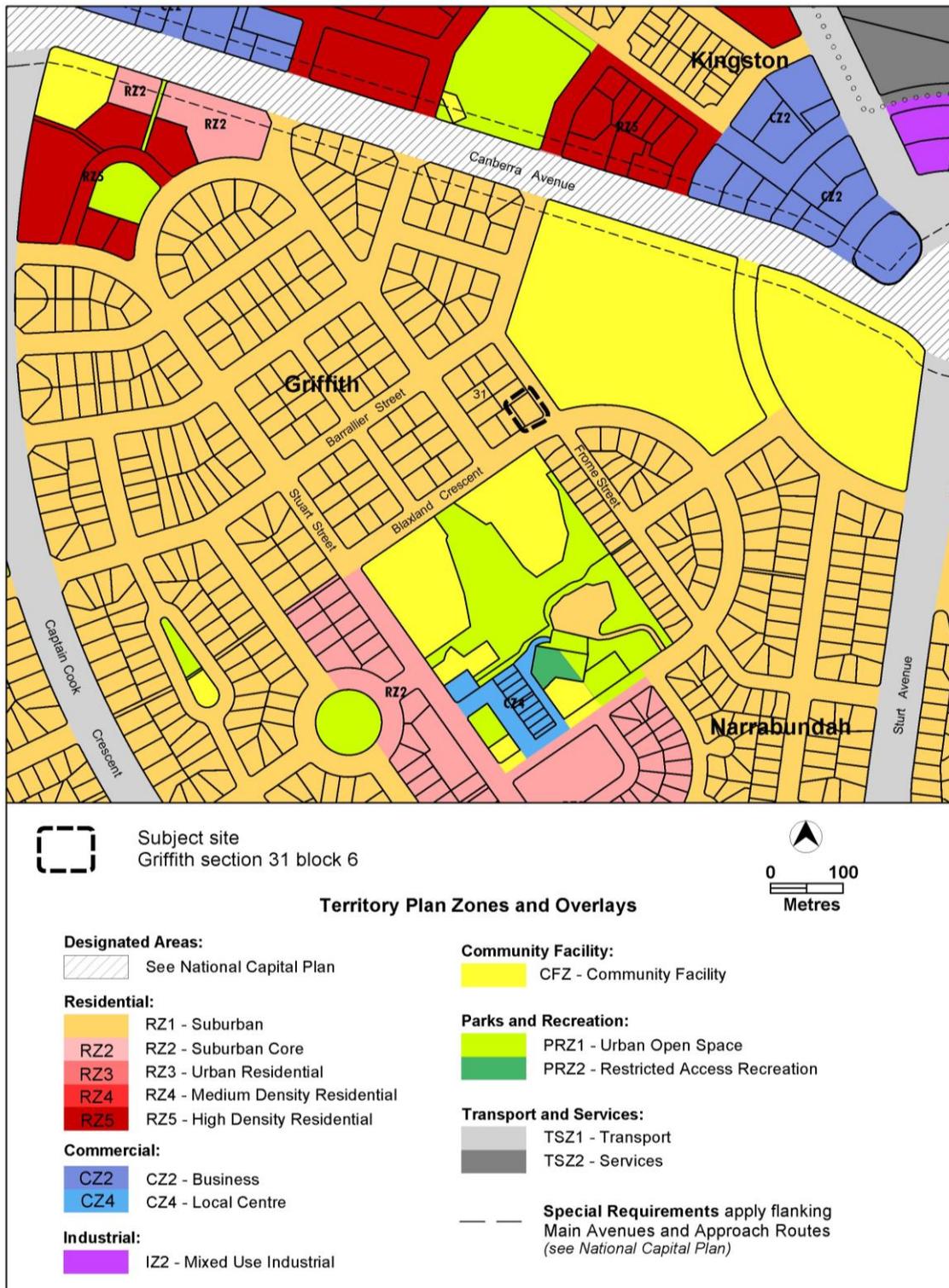


Figure 2 Territory Plan map

The zoning of Griffith section 31 block 6 is not being changed by this draft variation.

2.4 Proposed Changes to Territory Plan

It is proposed to amend the Griffith Precinct Map and Code for Griffith section 31 block 6 by:

- inserting a definition of manor house
- adding 'manor house' as an additional merit track development
- allowing a basement beneath a two storey manor house
- limiting height to two storeys above ground level (not including a basement)
- adding a criterion to make sure that the manor house appears as two storeys from street frontages
- limiting the number of dwellings to a maximum of four
- allowing dwellings to be unit titled

It is also proposed to amend the residential zones Multi Unit Housing Development Code to:

- exclude 'manor house' from dwelling replacement provisions

2.5 Reasons for the Proposed Draft Variation

The reasons for the draft variation are as follows:

- increases housing choice by introducing a new type of housing development
- the development will appear as if it is one house and will therefore fit in with the low-density character of the surrounding area
- the site (area 1166m²) is appropriate for the proposed development which will have the look and feel of a large single dwelling house
- the site is well located close to existing services in the Griffith local centre and nearby Manuka group centre
- increases the supply of housing which is consistent with the aim of the ACT Planning Strategy to provide 70% of new housing within the existing urban footprint
- allows for testing and evaluation of the manor house concept, which may influence future policy about housing choice
- the site has good access to public transport

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 requires 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 Territory Plan's 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.

The proposed development will meet design standards for accessibility and contribute towards greater community wellbeing by providing additional housing choices. The proposed development achieves environmental quality through the inclusion of water tanks and passive solar design principles and will have a minimum six star energy rating. The community has been consulted and engaged with the motives, reasoning and aspirations of the proponent, and the proponent has made design refinements based on community feedback where possible. Demonstration Housing will contribute to addressing gaps and demand in the housing market for alternative housing types.

1.10 Integrated land use and transport planning will seek to maximise accessibility and transport efficiency, reduce energy consumption, support the preferred pattern of development, promote safety, safeguard environmental quality, and minimise greenhouse gas emissions.

The proposal is within walking distance of amenities such as public transport, shops, schools and community centres. The proposed development protects environmental quality by limiting non-permeable surfaces, which will minimise storm water runoff and reduce urban heat island effect.

2.5 A wide range of housing types will be permitted in identified residential areas close to commercial centres and some major transport routes to increase choice; maximise opportunities for affordable housing; and secure some intensification of development consistent with maintaining residential amenity. Outside of these areas, planning policies will protect the typically low density, garden city character of Canberra's suburban areas.

The proposed development will allow greater diversity of housing and will assist with containing urban expansion by supporting urban infill. The proposed development has been designed to minimise the heat island effect and storm water run-off.

2.6 Higher density development will be encouraged within and near major centres, and in other suitable locations that are well served by public transport.

The proposal is consistent with providing density within the Residential RZ1 Suburban zone. A maximum of four dwellings will be permitted on the site, which is over 1000m², and will be a maximum of two storeys high with a basement. It will appear from street frontages as if it is one large house.

The draft variation is consistent with the ACT Planning Strategy and the ACT Transport Strategy 2020 as it will facilitate development that is compact and efficient, diverse, sustainable and resilient, liveable, and accessible, within proximity to services, transport connections and community facilities.

2.7 Interim Effect

Section 65 of the Planning and Development Act 2007 does not apply in relation to the draft variation, so it does not have interim effect. The current Territory Plan will continue to apply.

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 28 February 2020:

The proposed Territory Plan variation is not inconsistent with the National Capital Plan.

Response

Noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 6 March 2020:

There are no apparent ecological concerns with Draft Variation 375 – Griffith Section 31 block 6 – Manor House, and housing options which seek to retain trees and vegetation are to be encouraged. Issues regarding potential impacts to existing regulated trees will be dealt with at the DA stage.

Response

Noted.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 21 February 2020:

No comment.

Response

Noted.

Heritage Council

The Heritage Council provided the following comments on 28 February 2020:

On 20 February 2020, ACT Heritage Council (Council) advice was sought for Draft Territory Plan Variation 375, which proposes to amend the Griffith Precinct Map and Code on Block 6, Section 31 Griffith by:

- *Introducing a definition of 'manor house;'*
- *adding 'manor house' as an additional merit track assessable development; and*
- *adding rules and criteria for Demonstration Housing.*

The above changes are proposed to support 'Demonstration Housing,' the ACT Government's Housing Choices policy project, which aims to introduce more housing choice and flexibility into the ACT planning system. Block 6, Section 31 Griffith will be a showcase location, demonstrating how the ACT can deliver a compact and active city through innovative planning, design and delivery.

Review of the ACT Heritage Register identifies that no heritage places or objects occur within Block 6, Section 31 Griffith. In addition, prior development and use of the locality suggests that unrecorded heritage places or objects are unlikely to occur within the area.

On this basis, the Council advises that the proposed amendment to the Griffith Precinct Map and Code at Block 6, Section 31, Griffith is unlikely to diminish the heritage significance of the place, and that no heritage assessment is required to inform Draft Territory Plan Variation 375.

Response

Noted.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan

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

Variation to the residential zones Multi Unit Housing Development Code

- | |
|---|
| 1. Part A General controls, Element 3: Building and site controls, 3.1 Dwelling replacement – standard blocks, rule R5, first sentence |
|---|

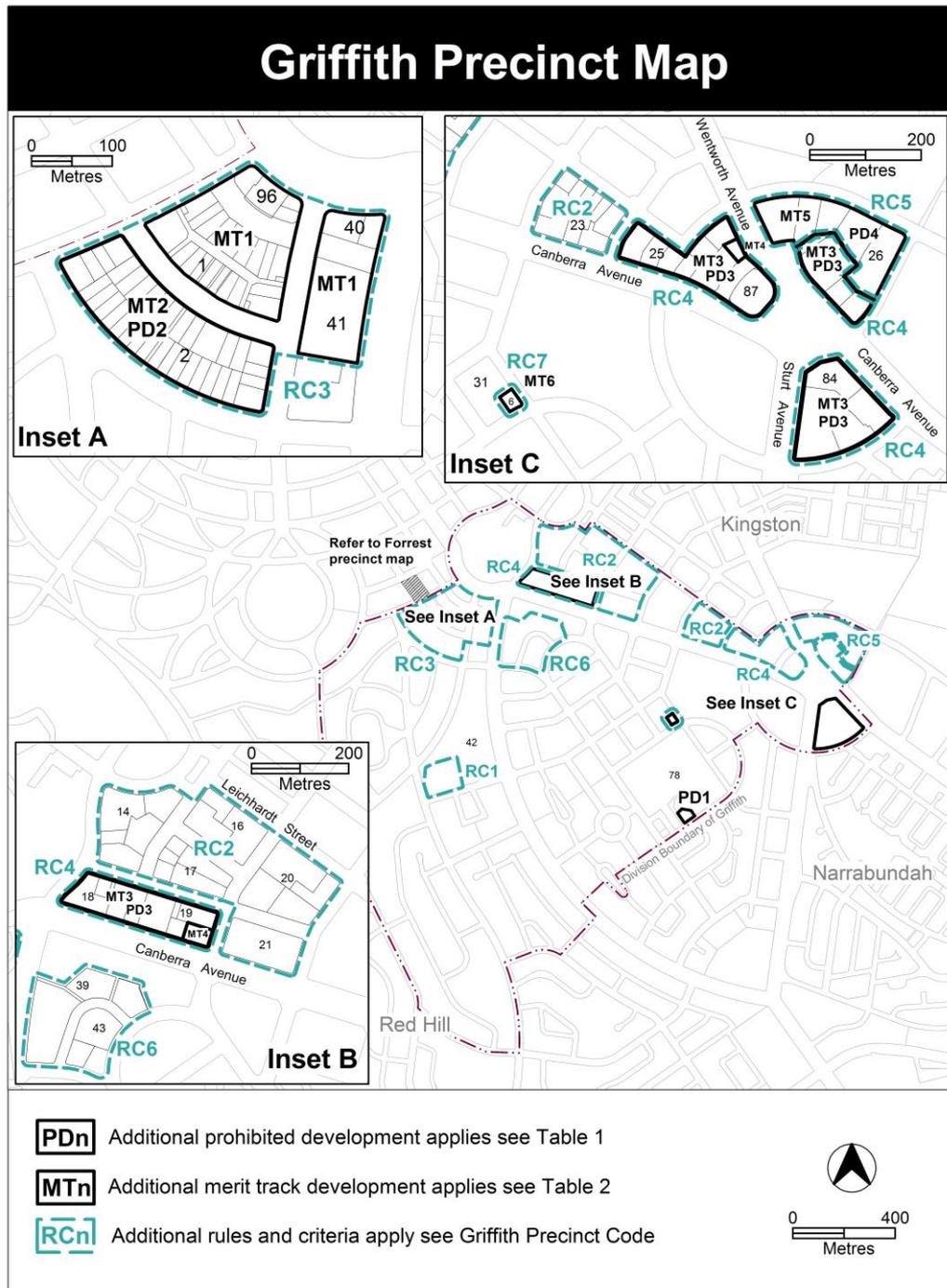
Substitute

This rule applies to *standard blocks* in all residential zones that are proposed to be redeveloped for *multi unit housing*, but does not apply to *supportive housing* and *manor house*.

Variation to the Griffith precinct map and code

2. Griffith precinct map

Substitute



3. Assessment Tracks, Table 2 – Additional merit track development

Insert

| Suburb precinct map label | Zone | Development |
|---------------------------|------|-------------|
| MT6 | RZ1 | manor house |

4. Introduction, Definitions

Substitute second paragraph with:

Definitions of terms used in this code are listed in part 13 of the Territory Plan or, for terms applicable only to this code, listed below.

Manor house is a building containing three or four dwellings, where:

- a) each dwelling is attached to another dwelling by a common wall or floor, and
- b) at least one dwelling is partially or wholly located above another dwelling, and
- c) the building contains no more than two *storeys* excluding the basement.

Note: A building is not an *apartment* if it meets the definition of *manor house*.

5. RC6 – Light Street Precinct, Element 11: Landscape area, Figure 4: Height of buildings

Insert after Figure 4: Height of buildings

RC7 – Demonstration housing

This part applies to blocks and parcels within area RC7 shown on the Griffith Precinct Map.

Element 12: Use

| Rules | Criteria |
|--|--|
| 12.1 Manor house | |
| R27 <i>Manor house</i> development can only be undertaken by the Demonstration Housing Project lessee(s) identified on a register published on an ACT Government website. | This is a mandatory requirement. There is no applicable criterion. |

Element 13: Buildings

| Rules | Criteria |
|--|---|
| 13.1 Number of dwellings | |
| <p>R28</p> <p>The maximum number of <i>dwellings</i> is 4.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| 13.2 Built form | |
| <p>There is no applicable rule.</p> | <p>C29</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the desired character b) appears as though: <ul style="list-style-type: none"> i. it is one large house ii. basement parking is not directly visible from street frontages. c) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space. |
| 13.3 Basement | |
| <p>R30</p> <p><i>Basement</i> is permitted below any two-storey element. Ramp accessing <i>basement</i> car parking is behind the <i>building line</i> and located on Blaxland Crescent.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| <p>There is no applicable rule.</p> | <p>C31</p> <p>Ramp to <i>basement</i> car parking maintains the value of the streetscape and allows safe and efficient vehicle and pedestrian movement.</p> |
| 13.4 Subdivision | |
| <p>R32</p> <p><i>Subdivision</i> under the <i>Unit Titles Act 2001</i> to provide separate title to each <i>dwelling</i> is permitted.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

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, 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: |

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