

Planning and Development (Draft Variation No 376) Consultation Notice 2021

Notifiable instrument NI2021-93

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 376) Consultation Notice 2021*.

2 Draft variation to the Territory Plan

The planning and land authority (the *Authority*) has prepared a draft plan variation No 376 – Demonstration Housing, Co-housing, Ainslie section 25 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 Ainslie 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 <mailto: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 376 – Demonstration Housing, Co-housing, Ainslie section 25 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
376

Demonstration Housing
Co-housing
Ainslie section 25 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	5
1.1	Summary of the Proposal	5
1.2	Outline of the process	5
1.4	Public Consultation.....	6
2.	EXPLANATORY STATEMENT.....	8
2.1	Background	8
2.2	Site Description	9
2.3	Current Territory Plan Provisions	10
2.4	Proposed Changes.....	11
2.4.1	Proposed Changes to Territory Plan	11
2.5	Reasons for the Proposed Draft Variation.....	11
2.6	Planning Context.....	11
2.6.1	National Capital Plan	11
2.6.2	ACT Planning Framework.....	12
2.7	Interim Effect	13
2.8	Consultation with Government Agencies.....	14
3.	DRAFT VARIATION.....	16
3.1	Variation to the Territory Plan.....	16

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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 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.

This Demonstration Housing Project, known as Stellulata, is for a small co-housing model, consisting of 3 modest dwellings and 1 common house to be shared amongst the residents. The common house will be a shared space, allowing residents to gather, enjoy shared meals, entertain, or to house a guest. The grounds will have a communal vegetable garden and barbeque area, together with private open space for each dwelling. A private shared electric vehicle system means the development is only proposing two car spaces.

To support Demonstration Housing, this draft variation proposes to amend the Ainslie Precinct Map and Code to add 'co-housing' as an additional merit assessable development at Ainslie section 25 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 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 (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 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** until the closing date for written comments.

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase 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 deliver 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 on 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 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. The evaluation criteria included an assessment against the demonstration housing concept, design quality and build quality. Proponents were also required to present and receive endorsement from the National Capital Design Review Panel and undertake design refinement. Community consultation in accordance with an approved engagement strategy was also undertaken.

2.2 Site Description

The subject site is Ainslie section 25 block 6 and is zoned Residential RZ1 Suburban. The block is flat and rectangular shaped, with an area of 1090m² and a frontage of approximately 22m to Angas Street. The site possesses unimpeded northern exposure, no significant trees in the construction zone and a driveway in the south-western corner. The block is close to local shops, community facilities, and public transport options including walking distance to the MacArthur Avenue light rail stop. The block currently contains a single storey residential dwelling.



Figure 1 Location map

2.3 Current Territory Plan Provisions

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

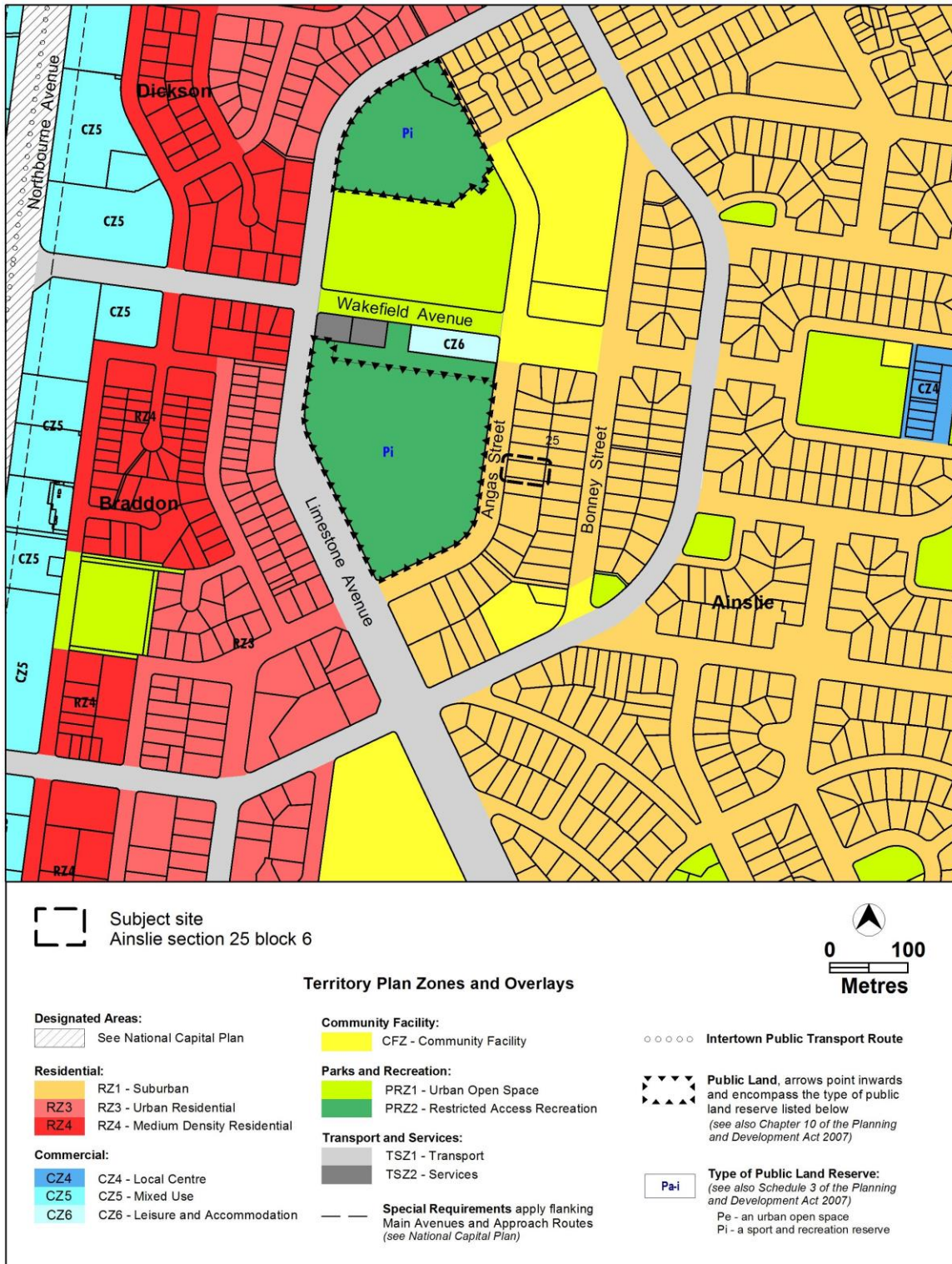


Figure 2 Territory Plan map

The zoning of Ainslie section 25 block 6 is not being changed by this draft variation.

2.4 Proposed Changes

2.4.1 Proposed Changes to Territory Plan

It is proposed to amend the Ainslie precinct map and code for Ainslie section 25 block 6 by:

- inserting a definition of ‘co-housing’
- adding ‘co-housing’ as an additional merit track development
- limiting the number of dwellings to a maximum of three
- allowing dwellings to be unit titled (only three dwellings may be unit titled)

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

- exclude ‘co-housing’ 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 site (area 1090m²) is appropriate for the proposed development
- the site is well located close to existing services in the Ainslie local centre and nearby Dickson 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 co-housing 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 contribute towards greater community wellbeing by providing more housing choice for people wanting to downsize, age in place, live close to friends, and feel socially connected. The proposal will incorporate communal facilities such as shared gardens, a shared entertaining kitchen and dining area, and a private car-share system. The proposed development achieves environmental quality through the inclusion of water tanks, passive solar design principles, photovoltaics with battery storage, high efficiency electric appliances and lighting. 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 typologies.

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, which will reduce the reliance on private vehicles. The proposed development protects environmental quality by limiting non-permeable surfaces and providing significant landscape and garden areas which will minimise storm water runoff and reduce urban heat island effect.

The development will aim to produce all the development's energy needs through photovoltaics. The proposal also seeks to avoid thermal bridging between walls, floor and slab, and will use double glazing which will reduce energy consumption.

The increase in dwellings on the block will improve occasional surveillance to the street.

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 proposal has a focus on improving housing diversity, whilst respecting the existing local character of the area. The proposal will deliver a small 'co-housing' development which is a housing typology not currently available in Canberra. The development fits within the plot ratio allowable under current RZ1 rules. The proposal includes landscaping that surrounds all sides of the built form and limits the use of non-permeable surfaces. It is designed to support the garden city character of the suburb and to reduce urban heat island effect and storm water runoff. The proposal is located in a central location close to shops, public transport, open space and other amenities.

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 appropriate density for the Residential RZ1 Suburban zone. A maximum of three dwellings will be permitted on the site, with a height limit of two storeys.

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 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 17 March 2020:

The proposed Territory Plan variation is not inconsistent with the National Capital Plan and the NCA has no concerns.

Response

Noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 20 March 2020:

There are no ecological concerns with this Draft Variation however the development will need to consider how to prevent cars from being parked on the verge and potentially damaging street trees.

Response

Noted.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 25 November 2020:

No comment.

Response

Noted.

Heritage Council

The Heritage Council provided the following comments on 23 March 2020:

Review of the ACT Heritage Register has identified that there are no recorded or registered heritage places or objects occur within the subject block. Further, the block is unlikely to contain any unrecorded heritage sites due to prior development.

In this context, the Council advises that the planning changes proposed by DV376 are unlikely to diminish any heritage significance values, and no Heritage Act 2004 considerations are identified.

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 *co-housing*.

Variation to the Ainslie precinct map and code

- 2. Ainslie precinct map and code**

Substitute with Appendix 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 τηλεφωνήστε 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:

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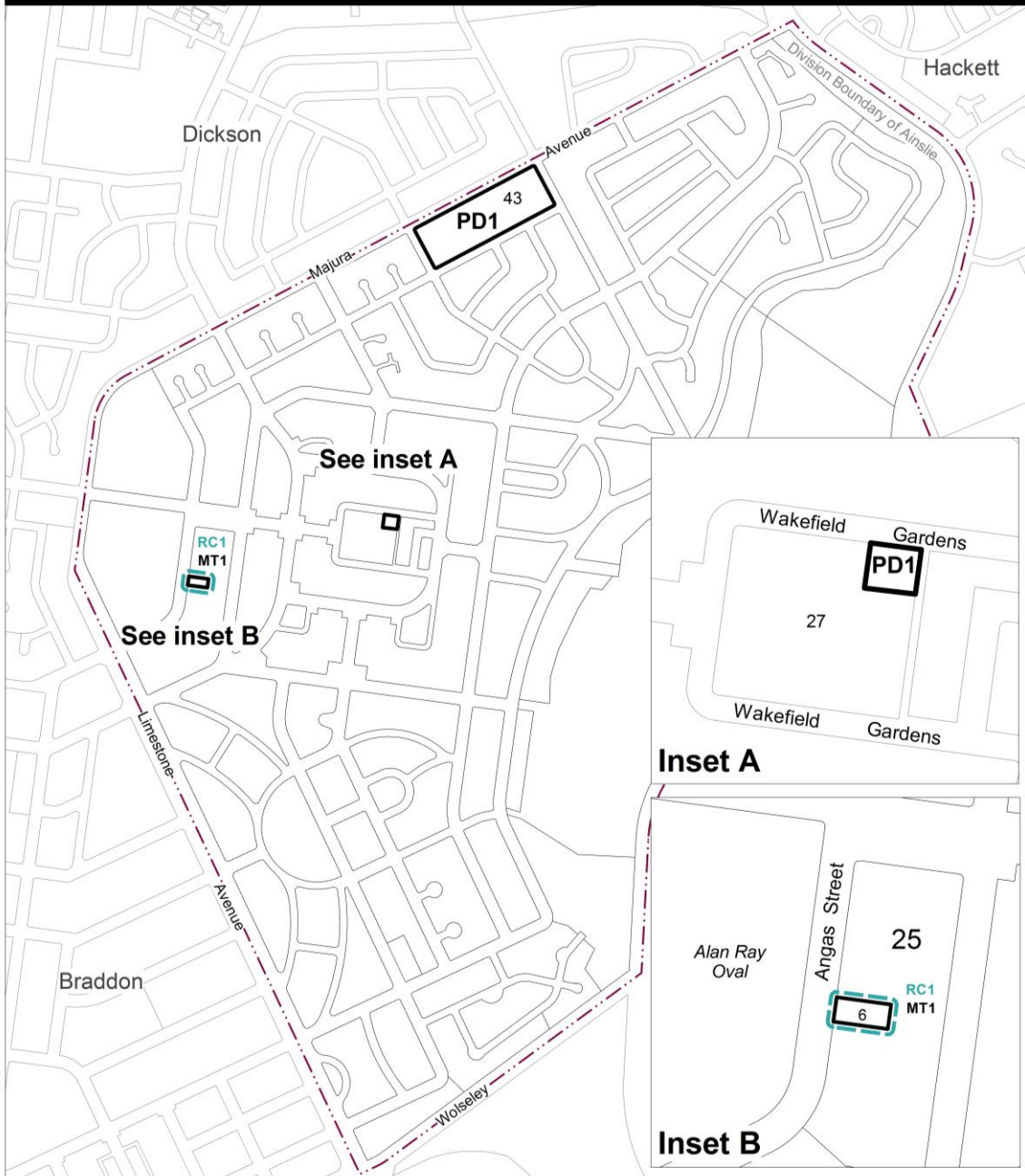
ACT
Government

Environment and
Sustainable Development

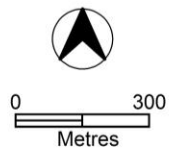
Ainslie Precinct Map and Code

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Ainslie Precinct Map



- PD_n** Additional prohibited development applies see Table 1
- MT_n** Additional merit track assessable development see Table 2
- RC_n** Additional rules and criteria apply see Ainslie Precinct Code



Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Ainslie Precinct Map (identified as PDn or MTn). 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 tables 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>retirement village supportive housing</i>

Table 2 – Additional merit track development

Additional merit track development		
Suburb precinct map label	Zone	Development
MT1	RZ1	<i>co-housing</i>

Ainslie Precinct Code

Contents

Introduction.....	4
Additional rules and criteria	6
RC1 – Demonstration housing	6
Element 1: Use	6
1.1 Demonstration housing	6
Element 2: Buildings	6
2.1 Number of dwellings	6
2.2 Subdivision.....	6
2.3 Parking.....	6
2.4 Parking spaces.....	7

Introduction

Name

The name of this code is the **Ainslie Precinct Code**.

Application

The code applies to the Division of Ainslie.

Purpose

This code provides additional planning, design and environmental controls for specific areas or blocks and may also contain references to provisions in other codes.

In conjunction with other relevant codes it will be used by the *Authority* to assess development applications and offer guidance to intending applicants in designing development proposals and preparing development applications.

Structure

This code contains additional rules and/or criteria for particular blocks or parcels identified as areas RCn on the precinct map, to be read in conjunction with the relevant development code. It may also contain sub-parts.

Each element has one or more rules and, unless the respective rule is mandatory, each rule has an associated criterion. Rules provide quantitative, or definitive, controls. By contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules are accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” are found where a criterion only is applicable.

Code hierarchy

Under the *Planning and Development Act 2007*, where more than one type of code applies to a development, the order of precedence if there is inconsistency of provisions between codes is: precinct code, development code and general code.

If more than one precinct code applies to the site, the most recent precinct code takes precedence to the extent of any inconsistency.

Definitions

Defined terms, references to legislation and other documents are italicised.

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.

Co-housing means a development with separate dwellings or private living areas, with some common/shared indoor components which may include kitchens, living areas, and laundries. Individual dwellings must each contain a minimum of one bedroom, one bathroom and may contain a kitchenette.

Acronyms

EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
EPSDD	ACT Environment, Planning and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TCCS	ACT Transport Canberra and City Services

Additional rules and criteria

This part applies to blocks and parcels identified in the Ainslie Precinct Map (RCn). It should be read in conjunction with the relevant zone development code and related codes.

RC1 – Demonstration housing

This part applies to blocks and parcels identified in area RC1 shown on the Ainslie Precinct Map.

Element 1: Use

Rules	Criteria
1.1 Demonstration housing	
R1 <i>Co-housing</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 2: Buildings

Rules	Criteria
2.1 Number of dwellings	
R2 The maximum number of <i>dwellings</i> is 3.	This is a mandatory requirement. There is no applicable criterion.
2.2 Subdivision	
R3 <i>Subdivision</i> under the <i>Unit Titles Act 2001</i> of a <i>co-housing</i> development is permitted. A maximum of 3 <i>dwellings</i> can be unit titled.	This is a mandatory requirement. There is no applicable criterion.
2.3 Parking	
R4 <i>Co-housing</i> development complies with all of the following: a) does not increase in the number of verge crossings b) car parking spaces are provided in a single combined parking area screened from public view.	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
2.4 Parking spaces	
<p>R5 A minimum of 2 car parking spaces are to be provided.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>