

Planning and Development (Plan Variation 375) Approval 2022

Notifiable instrument NI2022–304

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 375) Approval 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Approval of draft plan variation

(1) I approve under section 76 (2) (a) of the *Planning and Development Act 2007* the plan variation 375 to the Territory Plan.

(2) In this section:

plan variation 375 to the Territory Plan means the plan variation in the schedule.

Mick Gentleman MLA
Minister for Planning and Land Management
2 June 2022



ACT
Government

Environment, Planning and
Sustainable Development

Schedule (See section 3 (2))

Planning and Development Act 2007

Variation to the Territory Plan 375

Demonstration Housing
Manor House
Griffith section 31 block 6

June 2022

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

Variation 375

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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1. EXPLANATORY STATEMENT

1.1 Background

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.

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. 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. It 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 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

The Demonstration Housing Project called for expressions of interest in 2018, which were considered in accordance with the areas being showcased from the above list (having identified one or more areas).

Each proponent went through a rigorous two-stage evaluation process, which included design refinements. This process was designed to assess the interest, capability, and experience of proponents to deliver projects that address the resolution of the Legislative Assembly. 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. All Demonstration Housing proposals are required to respond to the design feedback from the Panel through design refinement.

The experience gained from Demonstration Housing and assessment via post occupancy evaluation studies can be used to inform changes to housing policy and planning provisions more broadly. Any further changes that may be required in the future to the Territory Plan to encourage and support improved housing choice and housing quality in Canberra would be subject to further stakeholder involvement and community consultation.

Where a proposal has been chosen under the Demonstration Housing Project, the proponents are afforded the opportunity for a one-off site-specific Territory Plan variation where existing planning requirements would otherwise prevent such a development.

Under the Demonstration Housing Project, a successful proponent is required to undertake community consultation about their proposal in accordance with an approved engagement strategy. This requirement is undertaken prior to any consultation of a draft variation to the Territory Plan and the results are included in a Planning Report, which is available on the Environment, Planning and Sustainable Development Directorate website when consultation on a draft variation is undertaken.

1.2 Summary of the Proposal

The demonstration housing which is the subject of this variation is called a 'manor house'. This type of development is not currently permitted in the RZ1 zone and changes are only made at Griffith section 31 block 6 to facilitate this proposal. This amends 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. The changes in variation 375 do not apply to any other site besides the subject block.

The variation retains the RZ1 zoning for the site and only makes changes to the planning controls in the Territory Plan to enable this specific proposal. The proposal for a manor house was chosen to showcase medium density infill, excellence in construction and design quality, and innovative housing products and typologies.

Only the specified Demonstration Housing proponent is able to develop a manor house. To achieve this the proponent is placed on a register as a demonstration housing provider, with the register being published on an ACT Government website.

The proposed manor house will consist of four dwellings in a 2-storey form plus a basement and aims to present as a large single dwelling from the street. The proposal will meet many of the built form requirements for single dwelling housing in the RZ1 zone.

1.3 The National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth) 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 *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth) 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

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 currently occupied by a single storey residence.



Figure 1 Location map

1.5 Current Territory Plan Provisions

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

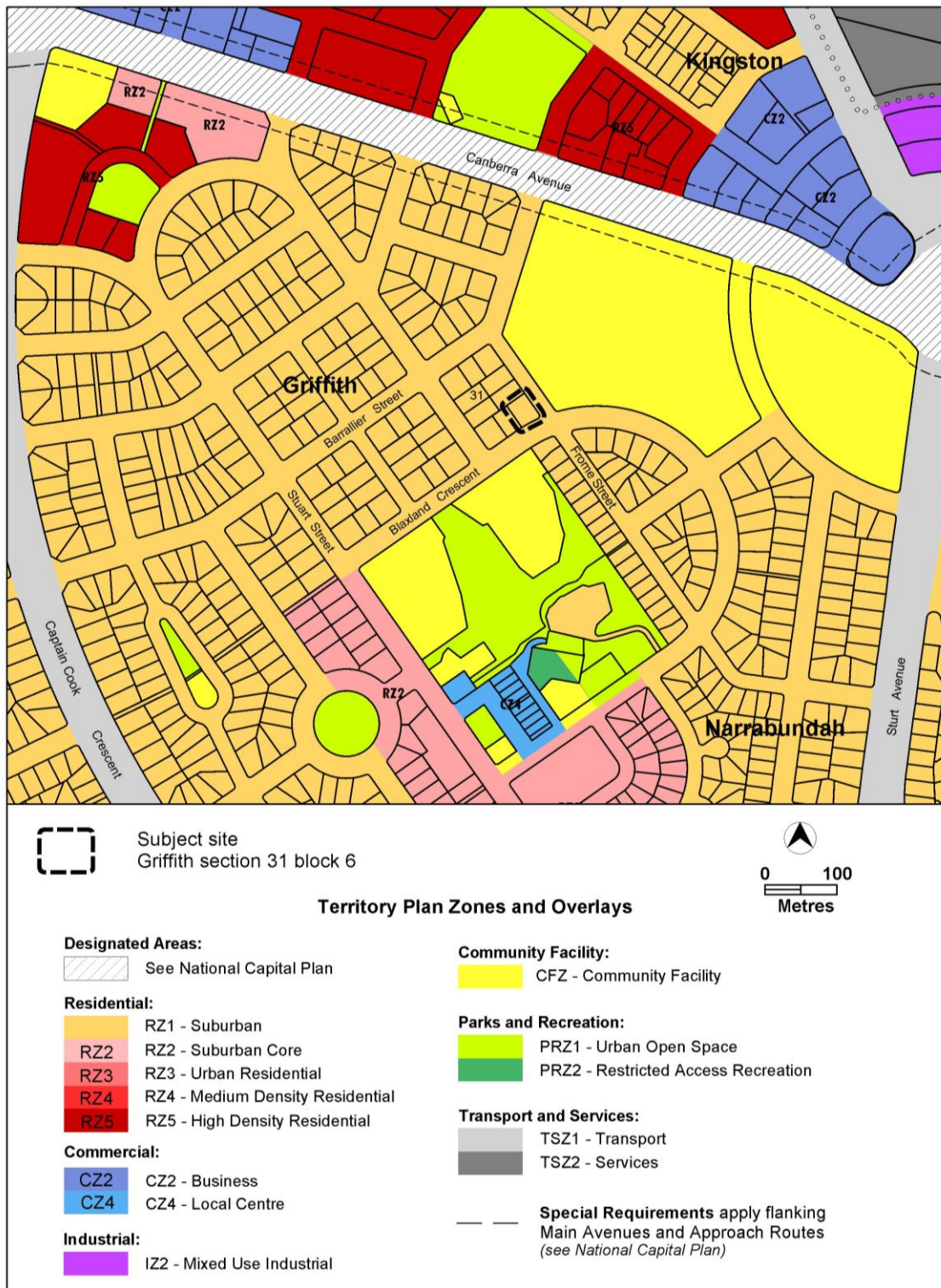


Figure 2 Territory Plan Zones Map

1.6 Changes to the Territory Plan

Detailed changes to the Territory Plan are noted in section 2 Variation.

1.7 Consultation on the Draft Variation

The draft variation was released for public comment between 19 February 2021 and 16 April 2021. A consultation notice under section 63 of the *Planning and Development Act 2007* was published on the ACT Legislation Register on 18 February 2021.

A total of 535 written submissions were received, including 55 submissions from individuals, four submissions from community organisations and 476 signed form letters, with at least one person who made an individual submission also signing a form letter. The community organisations which made submissions are:

- Kingston and Barton Residents Group Inc.
- Griffith Narrabundah Community Association
- Friends of Hawker Village
- Inner South Canberra Community Council

Comments related to the following:

Issue	Number of Submissions
Support the draft variation	4
Object to the draft variation, including two that indicated some positives: <ul style="list-style-type: none">○ support intentions of the demonstration housing project○ indicated positives of the design of the proposed development and indicated that it would appeal to down-sizers and first homeowners	55 + 476 form letters (FL)
The following reasons were provided for objecting to DV375	
a. the development is not suitable in the RZ1 Suburban zone	46 + 476 FL
b. one-off site-specific rezoning undermines the integrity of the planning system and creates uncertainty about future development	44 + 476 FL
c. decision to support this draft variation could set a precedent for the RZ1 Suburban zone	31 + 476 FL
d. the development is not a 'demonstration' project and the term 'manor house' is misleading	30 + 476 FL
e. only the proponent will benefit and there is no overriding public good	28 + 476 FL

f. development could cause increased traffic generation, safety issues, car parking on street and additional noise	19 + 476 FL
g. negative impacts on the existing character of the area	36 + 476 FL
h. there is already a high proportion of high-density dwellings in the area and a forecast increase in population	18 + 476 FL
i. development will lead to a loss of property value	15 + 476 FL
j. the review of the Territory Plan should be completed before undertaking this Demonstration Housing Project	13 + 476 FL
k. probity and conflict-of-interest issues	15
l. there is no information about how success or failure of the project will be evaluated	9
m. lack of community consultation/engagement about the draft variation and Demonstration Housing Project	6
n. design and siting matters relating to greenspace, access, carparking, and mobility of residents	11
o. no transparent framework to determine 'model' development	1
p. harmonious living difficulties and potential conflict between residents	5
q. there is little or no community support for the proposal and the proponent report on consultation indicating support is questioned	6
r. increased demand on local services, resources and public transport	3
s. questions the ability of the proposal to provide affordable housing	4
t. new dwellings are only for wealthy buyers	1
u. development is plain and ordinary and not sympathetic	4
v. when basement is dug out it will cause neighbourhood disruption and increases the cost of development	2
w. development should be elsewhere	5
x. insufficient explanation of the proposal in explanatory statement of DV375 and questions which provisions apply	2

The above issues were considered and are detailed in a report on consultation. Changes were informed by the issues raised. 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 have been made to the draft variation following the referral of the recommended version to the Minister responsible for planning.

2. VARIATION

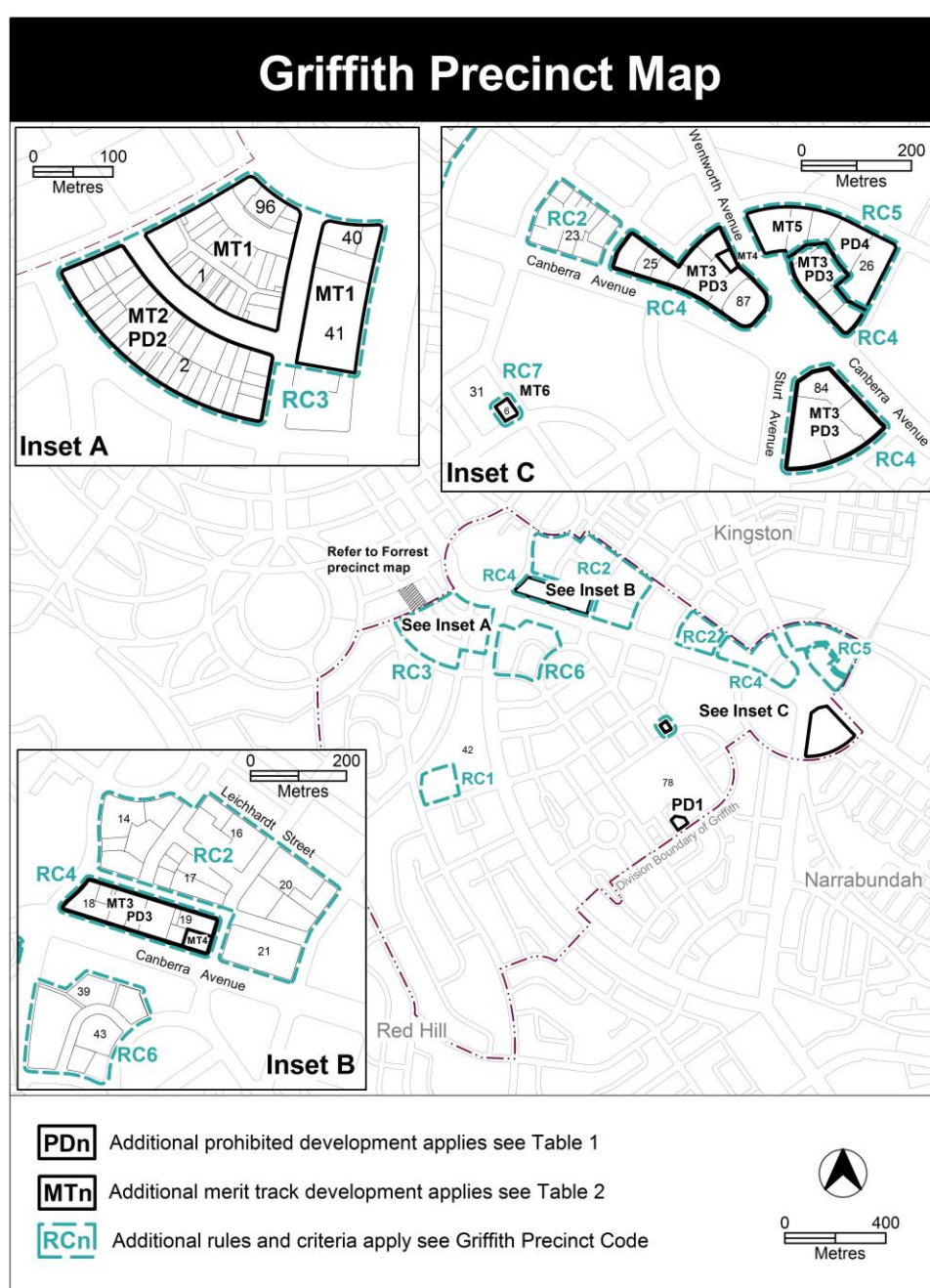
2.1 Variation to the Territory Plan

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

Variation to the Griffith precinct map and code

1. Griffith precinct map

Substitute



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

Insert

Suburb precinct map label	Zone	Development
MT6	RZ1	manor house

3. 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*.

4. 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 and site controls

Rules	Criteria
13.1 Plot ratio	
R28 The maximum <i>plot ratio</i> is 50%.	This is a mandatory requirement. There is no applicable criterion.
13.2 Number of dwellings	
R29 The maximum number of <i>dwellings</i> is 4.	This is a mandatory requirement. There is no applicable criterion.
13.3 Built form	
There is no applicable rule.	C30 Buildings achieve all of the following: a) consistency with the desired character b) appears as though: 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.
13.4 Basement	
R31 <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.	This is a mandatory requirement. There is no applicable criterion.
There is no applicable rule.	C32 Ramp to <i>basement</i> car parking maintains the value of the streetscape and allows safe and efficient vehicle and pedestrian movement.
13.5 Subdivision	
R33 <i>Subdivision</i> under the <i>Unit Titles Act 2001</i> to provide separate title to each <i>dwelling</i> is permitted.	This is a mandatory requirement. There is no applicable criterion.

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-għajjuna t'interpretu, čempel:
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 ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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131 450

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