

2012

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

TABLING STATEMENT

VARIATION 307 TO THE TERRITORY PLAN

Griffith, Section 42, Block 15

- Change of zoning from commercial CZ6 leisure and accommodation zone to RZ4 medium density residential zone
- Amendment to the Griffith precinct code

Circulated by authority of the
Minister for the Environment and Sustainable Development
Simon Corbell MLA

Tabled 1.5.2012

Mr Speaker

Variation 307 has undergone rigorous scrutiny under the ACT planning system. I table this variation today with the unanimous support of the Standing Committee for Planning, Public Works and Territory and Municipal Services. I would like to take this opportunity to thank the committee for its consideration and report on this variation.

Variation 307 rezones land at Austin Street in Griffith (section 42, block 15). Mr Speaker, this site is more commonly known as the headquarters for the Brumbies Rugby and was previously the site of the Canberra South Bowling and Recreation Club.

The rezoning removes the current commercial CZ6 leisure and accommodation zoning and replaces it with the RZ4 medium density residential zone. Consistent with the recommendations of the standing committee, the variation also amends the Griffith precinct code of the Territory Plan, introducing specific provisions relating to the subject site.

Mr Speaker, the draft variation attracted more than 100 submissions when it was publicly notified between January and March 2011.

There were concerns about the motives for the rezoning and the relationship between the ACT Government and the Brumbies Rugby.

There was some confusion in the submissions about the lease arrangements for the site and particularly the concessional lease over part of the site.

Suggestions were put forward, proposing alternative zones and uses for the site, including community, open space and recreation uses.

Some submissions questioned the planning merits of the proposal and its compliance with the relevant strategic and statutory documents.

There were also questions about the justification for the proposal in terms of population and housing choice.

Mr Speaker, the submissions also raised concerns about potential impacts of the proposal including flooding, traffic, amenity, character, heritage and garden city values.

I think it's fair to say that many within the community expressed concern about the proposal and what it might mean for the local area surrounding the site.

The overwhelming public perception is that the site is in some way a public asset allocated for community, recreation and/or urban open space purposes. Accordingly many submissions lament the loss of this asset. Mr Speaker, the site is actually included in the commercial CZ6 leisure and accommodation zone where developments such as a hotel are merit assessable. It is not a public or community facility. As such, the current zoning and planning benefits of the proposal are unlikely to sway local objection to the proposal.

Mr Speaker, I am committed to a robust and open planning system. I believe that good planning outcomes can be achieved through scrutiny at the highest levels. That was why I referred draft variation 307 to the standing committee.

After an extensive inquiry the standing committee tabled its report 12 of February 2012 in the Legislative Assembly. In its report the committee recommended that the draft variation proceed subject to additional provisions in a precinct code. These provisions are intended to guide the site's future development of the site.

Mr Speaker the variation I am tabling today responds to the Standing Committee's recommendations. It responds to its recommendation 1 by making amendments to the Griffith precinct code to include:

- A limitation on basement parking to one (1) level;
- A setback of 35 metres from block 7 and any development on the subject site;
- Stipulation that 100% of multi unit dwellings are to be adaptable;
- Provisions to protect trees on the perimeter of the site from development or encroachment;
- Formalisation of the existing paths on block 16 adjoining the subject site; and

- The erection of flood signage on section 42.

The standing committee recommended comprehensive flood studies be undertaken and made publically available. Mr Speaker, flood investigations were prepared as part of Variation 307 and made public available.

Once the detailed design for the proposed redevelopment of the site is known, the need for any additional flood investigations can be identified. This would occur at the development application stage.

The multi unit housing development code contains water sensitive urban design requirements and as the block has an area greater than 5,000 square metres, the development will need to:

- achieve a reduction in mains water;
- provide onsite stormwater detention;
- reduce stormwater pollutant export loads; and
- ensure that the capacity of the existing overland (major) stormwater system to the site is not exceeded in the 1 in 100 year storm event.

Mr Speaker, I am confident that the standing committee's recommendation in relation to flooding can be achieved through the development application process and its assessment against the existing provisions of the Territory Plan.

The committee's third recommendation is that the precinct code provisions should apply whether or not the site is rezoned. As I have approved variation 307 the precinct code will be introduced as a part of the variation unless it is disallowed. The variation is anticipated to commence before the end of May.

However, if variation 307 does not commence, then I would find it extremely difficult to impose the same conditions on any future development of the site. This is because the means by which those conditions could be imposed is variation 307. If it does not proceed, then the only option would be to prepare a new Territory Plan variation subject to the same statutory requirements as variation 307.

Mr Speaker, I have already mentioned that there was some confusion in the public submissions about the leasing arrangements for the site. It is therefore, understandable that the last three recommendations of the standing committee relate to the administrative processes for leasing. Mr Speaker, I accept those recommendations in full.

Information available to the public will be reviewed and I trust this will assist to improve the community's understanding of the ACT planning and leasehold system. The full Government response to the committee's recommendations can be viewed in the documents that I will table today.

Mr Speaker, variation 307 promotes redevelopment of the site for medium density residential development and I support that.

Variation 307 is consistent with the Canberra Spatial Plan, the draft ACT Planning Strategy and the Statement of Strategic Directions of the Territory Plan.

Mr Speaker, the site will increase housing in a location that is close to commercial and employment centres at Manuka, Kingston, Barton, Parkes and Civic and I support that.

The rezoning will increase housing stock and choice in the area without directly affecting the existing single dwelling housing and I support that.

Mr Speaker, even with recent developments in Kingston Foreshore and other multi unit projects in the inner south over the last few years, population levels in South Canberra are still below that of the early 1960s. The population levels need to be clawed back in such a central and accessible location, and I support that.

Mr Speaker, the site is well proportioned and of sufficient size to accommodate medium density residential redevelopment and I support that.

The site is separated from surrounding low density residential areas by Austin Street and surrounding open space areas.

Mr Speaker this site is far more appropriately zoned for residential purposes than for commercial uses and I commend this variation to you.

Mr Speaker,

I now table the approved variation to the Territory Plan 307.

Ends

2012

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

GOVERNMENT RESPONSE TO THE
STANDING COMMITTEE ON PLANNING, PUBLIC WORKS AND
TERRITORY AND MUNICIPAL SERVICES - REPORT 12
FEBRUARY 2012

VARIATION 307

Griffith, section 42 block 15

- Change of zoning from commercial CZ6 leisure and accommodation zone to RZ4 medium density residential zone
 - Consequential amendment to Part C (5) multi unit housing development code

Circulated by the authority of
Minister for the Environment and Sustainable Development
Mr Simon Corbell MLA

Recommendation 1

The Committee recommends that Section 42, Block 15 be rezoned from CZ6 leisure and accommodation to RZ4 medium density residential zone on condition that it includes a precinct code that ensures each of the following:

(a) no building or other part of any development be closer than 35 meters to the existing stormwater easement, thereby ensuring a band of the public realm, comprising both public open space and private land, continues from Murray Crescent to La Perouse Street, Griffith;

(b) a new bicycle path be constructed in this area of public realm to make the area more accessible to the general public and provide an alternative transport route to Manuka and beyond to Telopea Park;

(c) the well worn track which starts in Austin Street near Wells Gardens and proceeds towards Manuka be landscaped and improved to make the area more accessible to the general public. This should include a cycle path or wider paved area for the enjoyment of cyclists and pedestrians and some seating that allows people to sit and enjoy the surrounding area;

(d) appropriate up to date flood warning signs be placed along pathways and access points to Section 42 Griffith;

(e) any development or associated construction works not encroach on land lying under existing stands of trees on the perimeter of Block 15 and so by definition their respective root systems. At a minimum all perimeter trees are to be retained and all regulated trees are to be retained;

(f) any residential apartment development not have more than one level of basement car-parking;

(g) any residential development adhere to the current principle of 'universal design'.

Response

Agreed.

The Committee's recommendation that DV307 proceed subject to conditions is noted. Responses to the conditions are outlined below.

Condition 1(a)

(a) no building or other part of any development be closer than 35 meters to the existing stormwater easement, thereby ensuring a band of the public realm, comprising both public open space and private land, continues from Murray Crescent to La Perouse Street, Griffith;

Response

Agreed.

The following provision has been included the Griffith precinct code under Variation (V307):

Element 2 Building and Site Controls

Rules	Criteria
2.1 Setback	
R2 Buildings and other development are setback a minimum of 35 metres from the boundary of Griffith, section 42, block 7. Any part of block 15 within this setback is to be included in a public access easement.	This is a mandatory requirement. There is no applicable criterion.

Conditions 1(b), (c) and (d)

(b) a new bicycle path be constructed in this area of public realm to make the area more accessible to the general public and provide an alternative transport route to Manuka and beyond to Telopea Park;

(c) the well worn track which starts in Austin Street near Wells Gardens and proceeds towards Manuka be landscaped and improved to make the area more accessible to the general public. This should include a cycle path or wider paved area for the enjoyment of cyclists and pedestrians and some seating that allows people to sit and enjoy the surrounding area;

(d) appropriate up to date flood warning signs be placed along pathways and access points to Section 42 Griffith;

Response

Agreed.

The following provisions have been included in the Griffith precinct code under V307:

Element 7 Services

Rules	Criteria
7.1 off site works	
R5 Shared paths are constructed within block 16 and the part of block 15 subject to the public access easement in Rule R2, along the northern and eastern boundaries of block 15 as identified on Figure 2 and are endorsed by the Territory agency responsible for asset acceptance.	This is a mandatory requirement. There is no applicable criterion.
R6 Flood signage is erected along pathways and access points to Section 42 Griffith and is endorsed by the Territory agency responsible for asset acceptance.	This is a mandatory requirement. There is no applicable criterion.

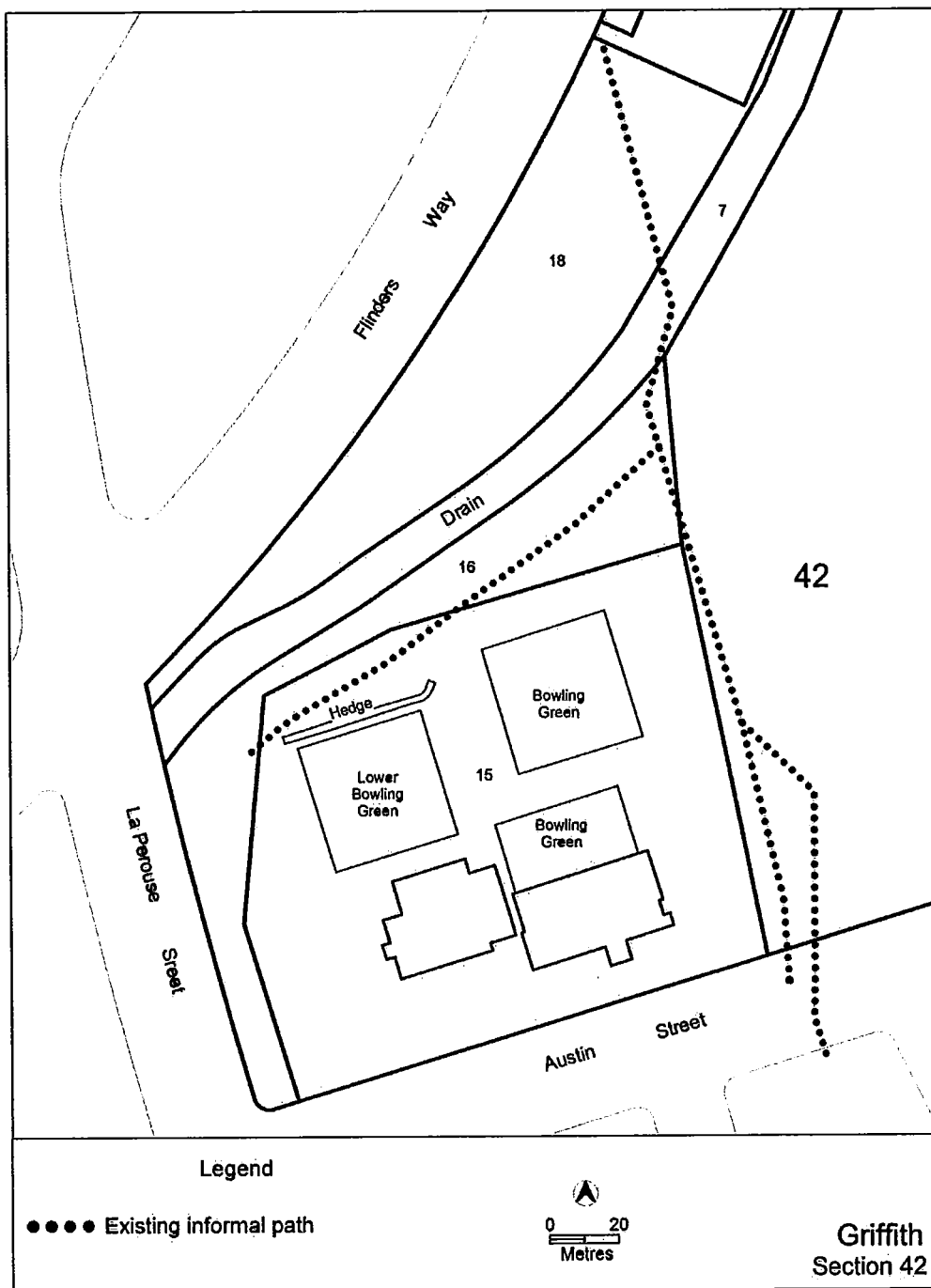


Figure 2: location of existing informal paths to be formalised.

Condition 1 (e)

(e) any development or associated construction works not encroach on land lying under existing stands of trees on the perimeter of Block 15 and so by definition their respective root systems. At a minimum all perimeter trees are to be retained and all regulated trees are to be retained;

Response

Agreed.

The following provision has been included in Griffith precinct code under V307:

Element 6 Environment

Rules	Criteria
6.1 Trees	
R4 Building and construction works do not encroach on land within the drip zone plus 2.0m of the existing stands of trees on the perimeter of Block 15 as identified on Figure 1.	C4 The health of existing trees on the perimeter of block 15 is maintained. Compliance with this criterion is supported by an assessment by a suitably qualified arborist and to the satisfaction of the Conservator of Flora and Fauna.

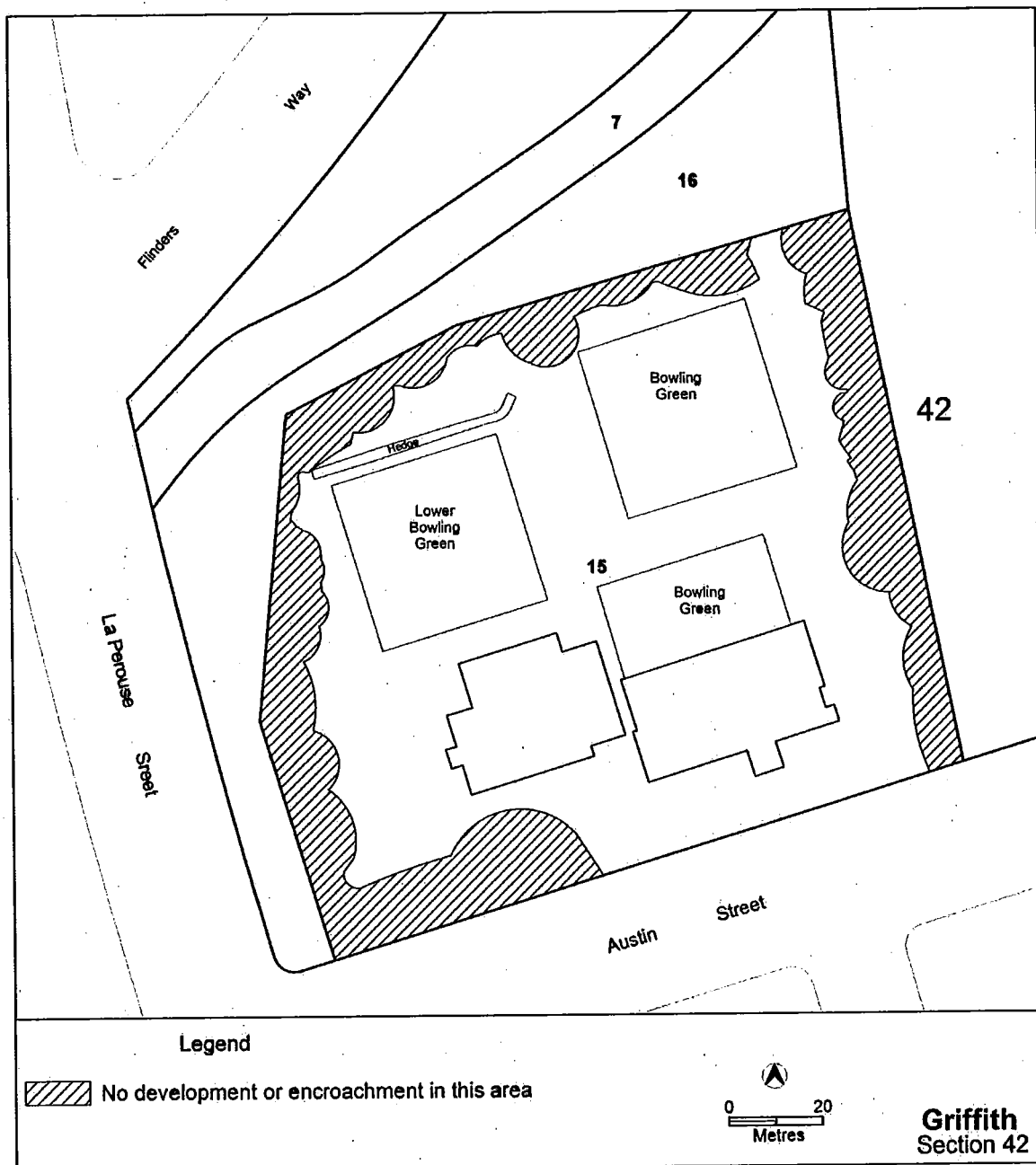


Figure 1 Areas with no development or encroachments

Condition 1 (f)

(f) any residential apartment development not have more than one level of basement car-parking;

Response

Agreed.

The following provision has been included the Griffith precinct code under V307:

Element 1: Restrictions on Use

Rules	Criteria
1.1 Basement Parking	
R1 Basement parking is limited to one (1) level.	This is a mandatory requirement. There is no applicable criterion.

Condition 1 (g)

(g) any residential development adhere to the current principle of 'universal design'.

Supported in Principle.

The Committee's recommendation to require future development of the site be subject to the principle of universal design is supported in principle.

However, the existing adaptable housing requirements in the Territory Plan are arguably more onerous than principles of universal housing design. The ACT Government is currently reviewing the Commonwealth guidelines for universal design and is exploring how they can be adopted in the ACT. As this site has unique community value it is considered appropriate that 100% of the dwellings meet adaptable housing standards. These standards are contained within the multi unit housing development code and will be

mandated through the following provision which has been included the Griffith precinct code under V307:

Element 3: Built Form

Rules	Criteria
3.1 Accessibility (mobility)	
R3 100% of the dwellings of any multi unit housing development are designed to meet the relevant Australian Standard for Adaptable Housing and any relevant considerations in the Access and Mobility General Code.	This is a mandatory requirement. There is no applicable criterion.

Recommendation 2

The Committee recommends that any redevelopment of Section 42, Block 15 Griffith be conditional on comprehensive flood studies being undertaken and made publicly available; the studies to model not only impacts on Section 42 but also flooding impacts on surrounding areas and those towards Canberra Avenue pre and post development, recognising that any use of infill on Block 15 may impact on flooding in nearby areas.

Response

Agreed:

Flood investigations have been prepared as part of V307. Once the detailed design for the proposed redevelopment of the site is known, then the need for any augmentation of the flood investigations can be identified. This would occur at the development application stage. In this regard, the multi unit housing development code contains water sensitive urban design (WSUD) requirements R46, R47, C47, R48, C48, R49 and C49. As the block has an area greater than 5,000m², the development will need to:

- achieve mains water reduction

- provide onsite stormwater detention
- provide evidence of a reduction in stormwater pollutant export load
- ensure that the capacity of the existing overland (major) stormwater system to the site is not exceeded in the 1 in 100 year storm event.

Recommendation 3

The Committee recommends that should, Section 42, Block 15, Griffith not be rezoned, any redevelopment, such as the hotel already proposed, comply with the conditions (a) to (g) in Recommendation 1.

Response

Noted.

The site is to be rezoned, however, notwithstanding this, it would not possible to comply with Recommendation 3. The means by which conditions (a) to (g) in Recommendation 1 are to be inserted into the Territory Plan is via V307. Should V307 not proceed, then the only means by which the conditions can be introduced into the Territory Plan would via a new and full variation to the Territory Plan. Any such variation would be subject to all the process requirements set out in the *Planning and Development Act 2007*. No such variation is proposed.

Recommendation 4

The Committee recommends that Australian Capital Territory Planning and Land Authority (ACTPLA) takes urgent steps to ensure there is better public notification and transparency for all land deconcessionalisation processes.

Response

Agreed.

An application to deconcessionalise a lease is a development application (DA) under the *Planning and Development Act 2007* (the Act) and is subject to notification. This includes a notice in the Canberra Times, a sign on the land, letters to all adjoining leaseholders and publication of the application on the Environment and Sustainable Development Directorate (ESDD) website. In addition, all interested parties registered against the Crown lease are notified. Before a DA for deconcessionalisation can be determined, the Minister must first decide that it is in the public interest for the DA to be considered. The Minister's decision is a Notifiable Instrument. This process came into effect for the first time when the Act commenced in 31 March 2008.

The planning and land authority within ESDD is currently reviewing the notification process for all lease variations for clarity and transparency purposes. Improved notification of an application to deconcessionalise a lease and associated legislative processes will be considered as part of this review.

Recommendation 5

The Committee recommends that Australian Capital Territory Planning and Land Authority (ACTPLA) widely publishes its policy on deconcessionalisation to ensure understanding and comprehension of deconcessionalisation in the community. This should include a range of communication channels, including the Internet.

Response

Agreed.

When the *Planning and Development (Concessional leases) Amendment Act 2010* came into effect, information about the new process for determining the concessional status of a lease was posted on the planning and land authority's website at:

http://www.actpla.act.gov.au/topics/property_purchases/leases_licenses/concessional_leases

Information about the process to remove the concessional status of a lease is available at:

http://www.actpla.act.gov.au/topics/design_build/begin_project/concessional_leases

The content of these pages will be reviewed to provide more information and to clarify the process for removing the concessional status of a lease. A communications strategy will be developed as part of this review.

Recommendation 6

The Committee recommends that Australian Capital Territory Planning and Land Authority (ACTPLA) publishes a Factsheet on deconcessionalisation on its website.

Response

Agreed.

As indicated above in response to recommendation 5, information is already available on the ESDD website. A factsheet will be prepared as part of the review of internet content.