

**2022**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**Variation to the Territory Plan 328  
Oaks Estate: Zone changes and amendments to  
the Oaks Estate Precinct Map and Code**

**Presented by Mick Gentleman MLA  
Minister for Planning and Land Management**

**September 2022**





**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES  
Jo Clay MLA (Chair), Suzanne Orr MLA (Deputy), Mark Parton MLA

Mr Mick Gentleman MLA  
Minister for Planning and Land Management  
Legislative Assembly  
GPO Box 1020  
CANBERRA ACT 2601

Dear Mr Gentleman,

**RE: Referral of Draft Variation 328—Oaks Estate: Zone changes and amendments to the Oaks Estate Precinct Map and Code**

Thank you for your letter signed received on 26 July 2022, in which you referred Draft Plan Variation 328—Oaks Estate: Zone changes and amendments to the Oaks Estate Precinct Map and Code to the Committee under Section 73(2) of the *Planning and Development Act 2007* for its consideration.

The Committee met on 11 August 2022 and agreed not to inquire and report on the Draft Plan Variation.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Jo Clay".

Jo Clay MLA  
Chair  
11 August 2022

Australian Capital Territory

# Planning and Development (Plan Variation 328) Approval 2022

Notifiable instrument NI2022–

made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Plan Variation 328) 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 328 to the Territory Plan.

(2) In this section:

*plan variation 328 to the Territory Plan* means the plan variation in the schedule.



Mick Gentleman MLA  
Minister for Planning and Land Management

16 September 2022



**ACT**  
Government

Environment, Planning and  
Sustainable Development

**Schedule (See section 3 (2))**

*Planning and Development Act 2007*

# **Variation to the Territory Plan 328**

**Oaks Estate: Zone changes and  
amendments to the Oaks Estate Precinct  
Map and Code**

**September 2022**

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

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# **1. EXPLANATORY STATEMENT**

## **1.1 Background**

The ACT Government prepared a series of master plans for selected areas that identify the existing character and opportunities and constraints affecting each area. The master plans make recommendations for each area to protect or develop desired character while providing future development opportunities.

The Oaks Estate Master Plan, covering the suburb of Oaks Estate, was developed with input from the local community during 2012 to 2014 and endorsed by the ACT Government in November 2014. The draft variation was prepared as one of the key measures for implementing the recommendations of the Oaks Estate master plan.

A draft variation was prepared in 2015 that intended to implement the outcomes and recommendations of the Oaks Estate master plan into the Territory Plan.

### **1.1.1 Public submissions**

Comments were initially invited from the public from 30 January 2015 till 16 March 2015. Thirty-two (32) submissions were received from local residents and others with an interest in the suburb.

The main issues raised in the public consultation relating to the draft variation were:

- concerns about proposed bulk and scale of development in the commercial area – it was suggested that apartments be prohibited and that development be limited to two storeys
- protection of the history and heritage character of the suburb – the inclusion of a range of additional rules to control the built form and reflect the desired character for the suburb were requested

Following public consultation, the draft variation was put on hold while the heritage nomination of the suburb was considered by the ACT Heritage Council and other matters were resolved.

These issues were taken into consideration and addressed in the revised draft variation.

### **1.1.2 Historical context**

Oaks Estate is a village suburb of Canberra located to the east of the city, on the border with the New South Wales city of Queanbeyan. The area was first inhabited by Aboriginal people, including the Ngunnawal, Ngarigo and Walgalu. European history in the area began with a large estate, named 'The Oaks', established in 1837. After changing ownership numerous times, the estate was eventually subdivided into 300 building allotments in 1887. It was initially developed as part of Queanbeyan and was later amalgamated into the ACT in 1911 following the decision that the boundary should follow the railway line rather than the river.

In the early part of the 20<sup>th</sup> century, Oaks Estate was a temporary workers' settlement, housing the builders who constructed the early parts of Canberra. After World War II, migrants from Eastern Europe and the Mediterranean arrived in Oaks Estate, with many establishing home-based businesses and industries.

More detailed information about the historical background of Oaks Estate is contained in the Oaks Estate Master Plan and also in the ACT Heritage Council Statement of Reasons referred to in section 2.1.3 below.

### **1.1.3 Heritage values**

Two sites within Oaks Estate are registered on the ACT Heritage Register – being 'the Oaks' (section 2 block 15 and 16) and 'Robertsons' House' (section 7 blocks 11 and 12).

At the time the draft variation was originally released for consultation, there were a number of locations within Oaks Estate nominated for inclusion on the Heritage Register. These sites were identified as having potential heritage significance, or otherwise contributing to the character of the suburb. A number of submissions received during consultation on the draft variation were about the heritage character of Oaks Estate and the nomination of the entire suburb for inclusion on the ACT Heritage Register.

In April 2017, the ACT Heritage Council resolved not to register the nominated sites, determining that the suburb was not historically or architecturally significant enough to meet the criteria for listing.

The heritage citation for Robertsons' House includes section 7 block 11 and block 12 of Oaks Estate. Any proposal to develop surrounding sites would need to consider the heritage citation, and requirements for a buffer to the heritage site was introduced as a provision in the Oaks Estate precinct code in line with previous advice from the ACT Heritage Council. These provisions were incorporated into the 2015 public consultation version of the draft variation and are retained in this version.

#### **1.1.4 Commercial zone changes**

The CZ5 zoning was introduced in the 2008 Territory Plan, replacing the A9 Residential Mixed Use land use policy from the previous Territory Plan.

The Oaks Estate master plan did not propose changing the Commercial CZ5 Mixed Use zone, and therefore no change of zoning was proposed in the 2015 draft variation placed on public consultation. Some submissions received on that draft variation contended that the CZ5 zone for the commercial area was not appropriate to the area.

Further consideration of the zone objectives and development tables resulted in a change of zoning to the Commercial CZ4 Local Centre zone because it is considered to be a more appropriate zone for the commercial area of Oaks Estate. The CZ4 zone limits heights to 2 storeys and provides for a local centre to serve the needs of the community while enabling the village ambience of Oaks Estate to be maintained.

The variation also includes some of the recommendations of the Oaks Estate Master Plan for certain development opportunities along Railway Street. Allowable merit assessable uses are limited to those listed in the CZ4 development table and any additional permitted or prohibited uses currently listed in the precinct code. The additional permitted and prohibited uses listed in the precinct code take precedence over the CZ4 development table. The revised Oaks Estate precinct map and code is located at [Appendix 1](#) of this document.

#### **1.1.5 Contamination studies**

A provision is included in the Oaks Estate Precinct Map and Code requiring an environmental assessment into the site's suitability from a contamination perspective. It is to be undertaken in accordance with the ACT Contaminated Sites Environment Protection Policy and to be endorsed by the Environment Protection Authority prior to development or a change in use.

### **1.1.6 Restrictions on uses**

The variation rectifies errors in the uses currently listed as prohibited and/or permitted on certain blocks in the Oaks Estate precinct map and code. This anomaly occurred when the old Territory Plan was superseded by the restructured Territory Plan.

Light industrial use is restricted to the blocks where it is already a permitted use in a lease, and some uses are either prohibited or restricted in accordance with the master plan recommendations. As a result of the change of zone from CZ5 to CZ4, some allowable uses in the CZ4 zone are also prohibited in the relevant tables as these are considered to be incompatible with the village character of Oaks Estate.

The 35% site coverage restriction for residential blocks in the precinct code is in line with the recommendations of the master plan. This will enable the retention of substantial areas of open space on residential blocks for deep root planting, whilst allowing a moderate developable area for a dwelling and other structures.

Additional provisions are included for the residential area of Oaks Estate to maintain its village character. These provisions are included in the precinct code under the new 'RC2 – Residential Area' sub-precinct (see [Appendix 1](#)). The provisions include controls on the redevelopment of multi-unit sites, site coverage restrictions, landscaping requirements for deep root plantings, and allowances for front fencing.

### **1.1.7 Views and rural surrounds**

Views and vistas are protected by existing street alignments, a maximum two storey building height limit and existing zone development controls in the Non-Urban zone development code. The rural surrounds are also protected from inappropriate development through the Non-Urban zones development code.

### **1.1.8 Future development and desired character**

The variation makes changes to address the nature of future development and protect the village character.

### **1.1.9 ACT Government Land Release Program**

The variation provides certainty regarding development outcomes for the blocks at Oaks Estate which are proposed to be sold as a part of the Government's Land Release Program.

## **1.2 Summary of the proposal**

Variation to the Territory Plan 328 implements the recommendations of the endorsed Oaks Estate Master Plan 2014, as well as responding to concerns raised during the consultation periods undertaken in 2015 and 2021. The variation amends to the Oaks Estate Precinct Map and Code to provide opportunities for limited growth and change in the suburb and to preserve the history and character of Oaks Estate.

## **1.3 The National Capital Plan**

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

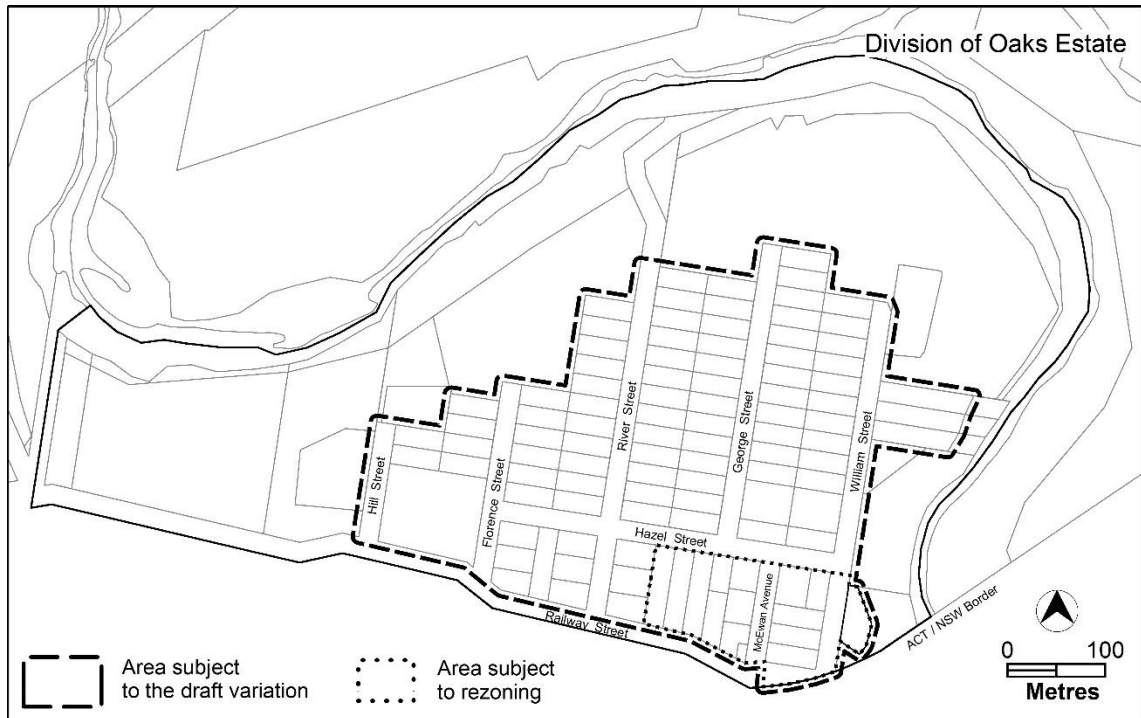
The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The Planning and Land Management Act 1988 also required that the Territory Plan is not inconsistent with the NCP.

In accordance with section 10 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, the NCP defines the planning principles and policies for Canberra and the Territory, for giving effect to the object of the NCP and sets out the general policies to be implemented throughout the Territory, including the range and nature of permitted land uses.

It also sets out the detailed conditions of planning, design and development for areas that have special significance to the National Capital known as designated areas and identifies special requirements for the development of some other areas.

## 1.4 Site Description

The subject area is located between the Molonglo River to the north, the Queanbeyan River to the east and the ACT/NSW border to the south and is directly adjacent to the NSW township of Queanbeyan. The residential area predominantly contains single dwellings, with a number of two to four storey multi-unit developments. The compact commercial area is generally single storey, with some bulkier industrial buildings, and several undeveloped blocks.



**Figure 1: Location map and area subject to the variation and rezoning**

## 1.5 Current Territory Plan Provisions

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

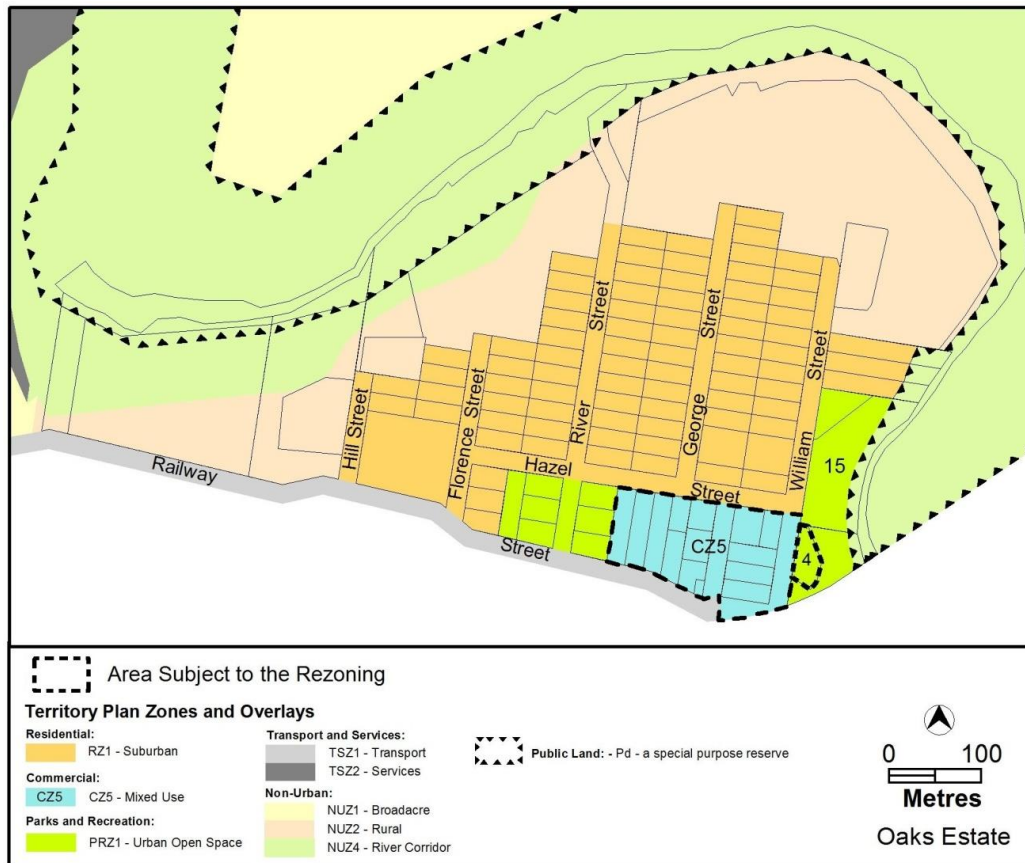


Figure 2 Territory Plan Zones Map

## 1.6 Changes to the Territory Plan

Detailed changes to the Territory Plan are noted in section 2 of this document.

## 1.7 Consultation on the Draft Variation

The draft variation was initially prepared and released for public consultation in 2015. Changes were made in response to consultation comments.

The draft variation was released for second period of public comment between 7 August 2021 and 26 November 2021. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register on 7 August 2021. A public notice was placed on the ACT Government public notices website on 9 August 2021.

A total of eight written submissions were received, which included three submissions from individuals, one from a property developer, one from a town planning consultant, one from a heritage conservation organisation and one from a resident's association.

Main issues raised by submitters included:

Issue	Number of submissions
1. Support for whole or part of the draft variation	2
2. Questions the reason for rezoning CZ5 mixed use to CZ4 local centre zone	5
3. Concerns about management of traffic flow and inadequate parking in Oaks Estate	3
4. Request to further consider the village character in the precinct code	3
5. Suggestion that additional community consultation is required	3
6. Need for protection of the Community Facility site for a community hall	2
7. Request for greater flexibility of 2 storey/8.5 metre height limit in the commercial area	2
8. Concern that zone changes are being made to facilitate land release	2
9. Desire to protect heritage values of Oaks Estate	2
10. Questions raised about lack of implementation of recommendations of the Master Plan	2
11. Need for consideration of linkages and a visual connection with the adjacent Queanbeyan Railway Station	1
12. Questions about how the precinct code will provide protection from major environmental threats including bushfire and flooding	1
13. Claims there is an excess of commercially zoned land	1
14. Questions the impacts of the land release program including identified sites, any known proposals and any proposals for affordable or community housing	1
15. Questions why the structure of the Oaks Estate Precinct Code is different to other precinct codes	1
16. Concerns about noise from external sources and possible odour impacts of industrial development on future residents	1
17. Request that front fence provisions are more flexible	1
18. Need to protect PRZ1 Urban Open Space zoned land from car parking	1

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 TO THE TERRITORY PLAN

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

### 2.1 Variation to the Territory Plan Map

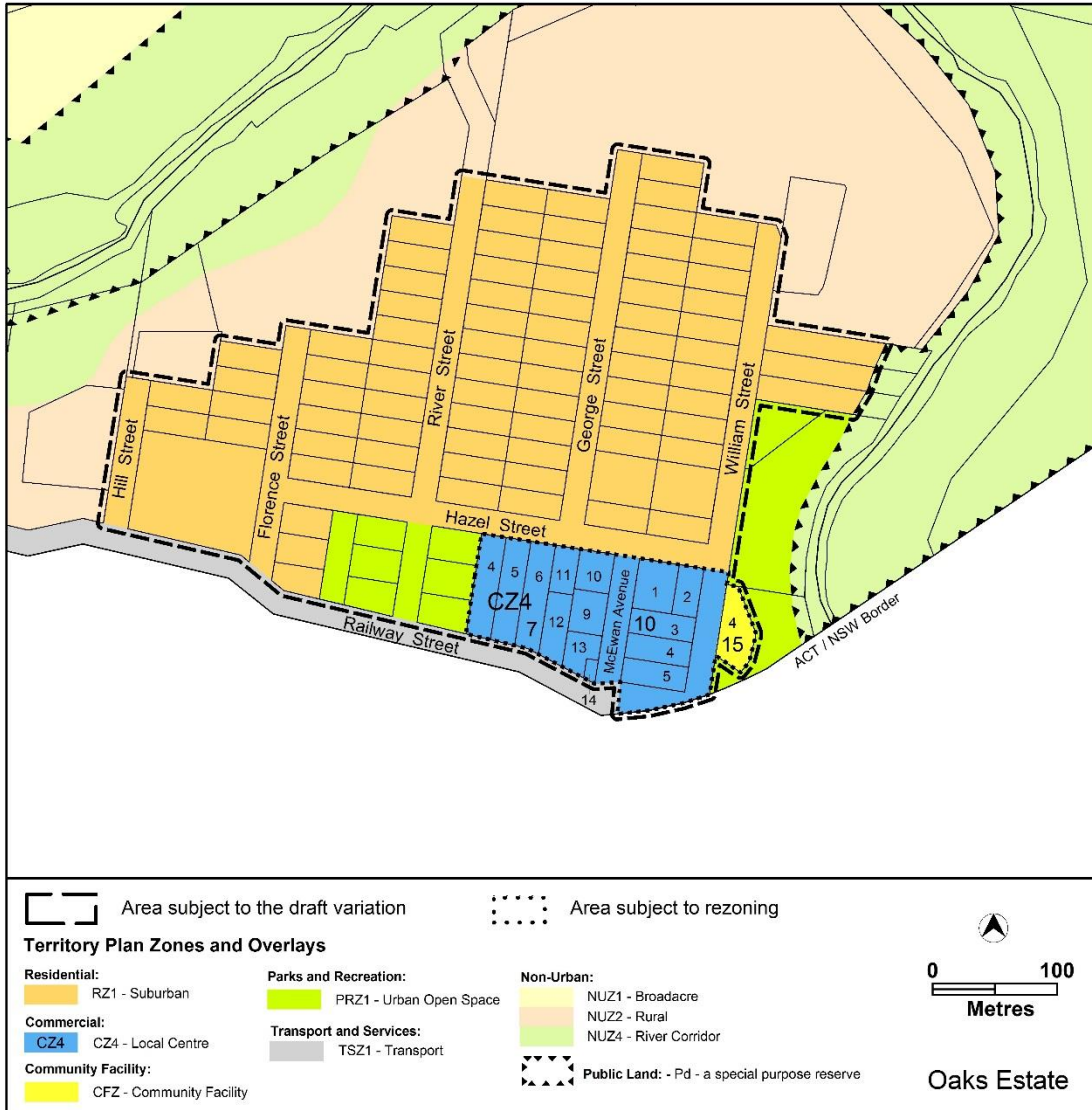


Figure 3 Proposed Territory Plan Zones Map

## **2.2 Variation to the Territory Plan**

### Variation to the Oaks Estate Precinct Map and Code

#### **1. Part 10. Precinct Maps and Codes; Oaks Estate Precinct Map and Code**

*Substitute*

The Oaks Estate Precinct Map and Code – Appendix 1

## 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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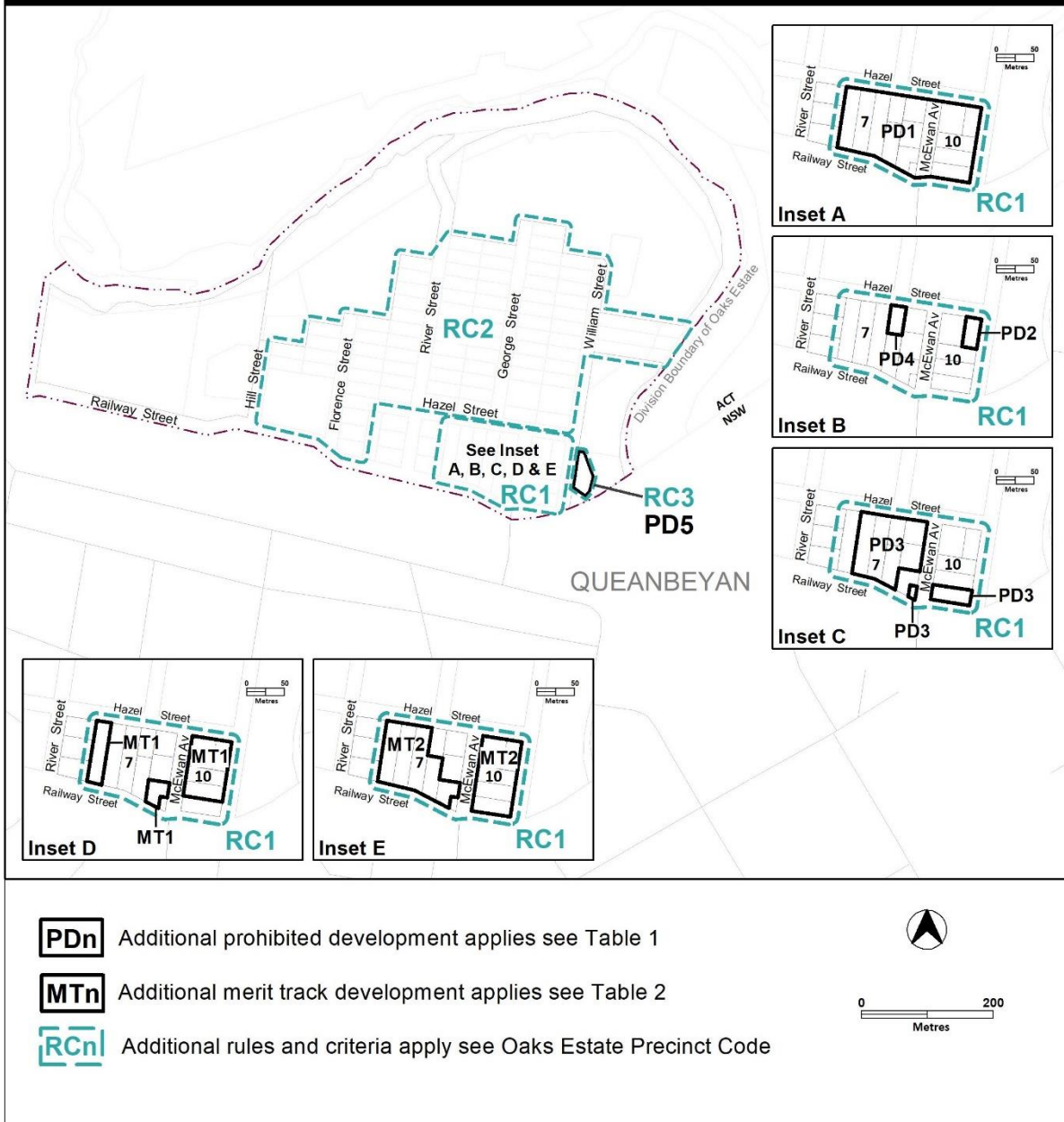
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Appendix 1

# Oaks Estate Precinct Map and Code

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# Oaks Estate Precinct Map



# Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Oaks Estate 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 constitute part of the relevant zone development table.

**Table 1 – Additional prohibited development**

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CZ4	<i>indoor entertainment facility industrial trades service station veterinary hospital</i>
PD2	CZ4	<i>restaurant SHOP</i>
PD3	CZ4	<i>light industry industrial trades</i>
PD4	CZ4	<i>indoor entertainment facility light industry industrial trades restaurant service station SHOP</i>
PD5	CFZ	<i>retirement village supportive housing</i>

**Table 2 – Additional merit track development**

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	CZ4	<i>warehouse</i>
MT2	CZ4	<i>craft workshop</i>

# Oaks Estate Precinct Code

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# Introduction

## **Name**

The name of this code is **Oaks Estate Precinct Code**.

## **Application**

The code applies to the Division of Oaks Estate.

## **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" is 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, associated with the respective rule.

**Acronyms**

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

## Additional rules and criteria

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

### RC1 – Commercial Local Centre

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

#### Desired character

- development respects the historical rural village characteristics, scenic rural vistas and heritage values of Oaks Estate
- small scale business opportunities provide services for the local community
- facades are articulated to provide interest to the street frontage
- development addresses each street frontage with pedestrian entrances and/or windows to shops or habitable rooms at the ground level, with upper floor level balconies to one or more habitable rooms
- residential development provides interest through articulation, pitched roofs and use of materials reflective of existing surrounding residential development

#### Element 1: Use

Rules	Criteria
<b>1.1 Residential use</b>	
There is no applicable rule.	C1 Residential development is designed to mitigate the potential impacts on future residents from the operation of existing commercial uses.
There is no applicable rule.	C2 Residential development is permitted to replace commercial/retail uses provided that the centre remains commercially viable after the proposed development.
<b>1.2 Railway Street and McEwan Avenue restrictions</b>	
R3 Commercial uses are required at the ground floor fronting Railway Street and McEwan Avenue. Commercial uses may include but are not limited to <i>craft workshop, NON RETAIL COMMERCIAL, Restaurant, SHOP.</i>	C3 The ground floor level of buildings is adaptable for commercial uses.

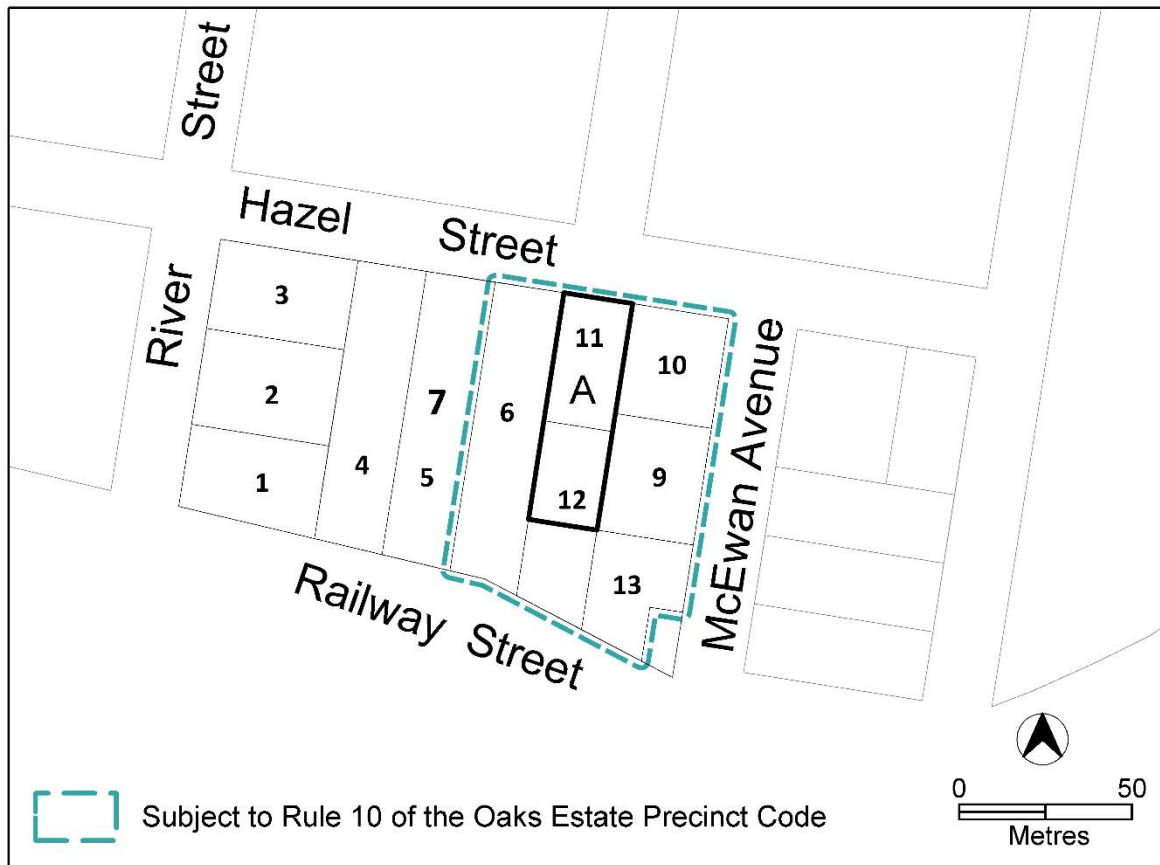
Rules	Criteria
<b>1.3 Restrictions on use</b>	
<p>R4</p> <p>This rule applies to Blocks 5,6 and 9 Section 7 Oaks Estate:</p> <p>The maximum <i>gross floor area</i> of <i>SHOP</i> where permitted is 200m<sup>2</sup>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>1.4 Contamination</b>	
<p>R5</p> <p>An environmental assessment into the site's suitability from a contamination perspective must be undertaken in accordance with the ACT Contaminated Sites Environment Protection Policy and be endorsed by the Environment Protection Authority prior to development or a change in use.</p> <p>This rule does not apply if the Environment Protection Authority has provided written advice that the site has been assessed for contamination to its satisfaction.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## Element 2: Buildings

Rules	Criteria
<b>2.1 Built form</b>	
<p>R6</p> <p>Minimum front setback to Hazel Street is 4m.</p>	<p>C6</p> <p>Front setbacks:</p> <ul style="list-style-type: none"> <li>a) reflect existing block patterns</li> <li>b) provide landscaping between the building and the front boundary</li> <li>c) are consistent with the <i>desired character</i>.</li> </ul>
<p>R7</p> <p>Minimum front setback to Railway Street, McEwan Avenue and William Street is:</p> <ul style="list-style-type: none"> <li>a) for commercial development – 0m</li> <li>b) for residential development – 2m.</li> </ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R8</p> <p>This rule applies to buildings on blocks directly adjoining area A in Figure 1.</p>	<p>C8</p> <p>Development achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) Development provides reasonable physical</li> </ul>

Rules	Criteria
Buildings provide a minimum 6m setback to area A.	<p>and visual separation to Robertsons' House to protect the heritage character of the site.</p> <p>b) Existing trees on section 7 blocks 11 and 12 Oaks Estate, are not significantly impacted, including any parts of trees that overhang the boundaries of the blocks.</p>
<b>2.2 Building design</b>	
<p>R9</p> <p>Maximum length of unarticulated street front facade is 10m</p> <p>Minimum articulation depth: 2m</p>	<p>C9</p> <p>Development provides an interesting facade to the street compatible with surrounding built form.</p>
<b>2.3 Site coverage</b>	
<p>R10</p> <p>Maximum <i>site coverage</i>: 45%.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<b>2.4 Vehicle parking</b>	
<p>R11</p> <p>Vehicle parking areas are located behind the front <i>building line</i>.</p>	<p>C11</p> <p>Parking areas are screened from the street by suitable landscaping wholly contained within the leased block boundaries.</p>
<b>2.5 Landscaping</b>	
<p>R12</p> <p>Development provides a minimum of 15% of the block area for deep root planting.</p>	<p>C12</p> <p>Development retains sufficient open space for deep root plantings wholly contained within the block boundaries.</p>
<b>2.6 Active frontage</b>	
<p>R13</p> <p>This rule applies to commercial development located along Railway Street and/or McEwan Avenue.</p> <p>Frontages and building design comply with all of the following:</p> <p>a) buildings incorporate clear display windows and shop fronts at the ground floor level</p> <p>b) buildings incorporate direct pedestrian access at grade with the verge level for access and egress for persons with disabilities.</p>	<p>C13</p> <p>Development:</p> <p>a) avoids extensive lengths of blank walls unrelieved by doors, windows or the like</p> <p>b) provides suitable pedestrian access for persons with disabilities.</p>

Rules	Criteria
<p>R14</p> <p>This rule applies to residential development located along Railway Street, Hazel Street and/or McEwan Avenue (where relevant).</p> <p>Ground floor street frontages and building design includes windows to habitable rooms.</p> <p>Street frontages above ground floor include windows to habitable rooms and/or balconies addressing the street.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



**Figure 1 – Area A Robertsons’ House**

## RC2 – Residential Area

This part applies to blocks and parcels identified in area RC2 shown on the Oaks Estate Precinct Map.

### Desired character

- development respects the historical rural village characteristics, scenic rural vistas and heritage values of Oaks Estate
- front boundary setback for development on single dwelling blocks reflect the existing varied setbacks in the area
- front fences reflect the existing character of the area, provide opportunities for views into and out of the site and ensure safe vehicle and pedestrian movement

### Element 3: Buildings

Rules	Criteria
<b>3.1 Multi-unit sites</b>	
There is no applicable rule.	C16 The redevelopment of multi-unit dwelling sites respects the existing east-west orientation of the blocks and provides a built form width compatible with surrounding residential development.
R17 Maximum unarticulated street front facade length: 10m Minimum articulation depth: 2m	C17 Front facades of multi-unit development are articulated to provide interest and ensure compatibility with the surrounding built form.

### Element 4: Site

Rules	Criteria
<b>4.1 Site coverage</b>	
R18 Maximum site coverage of <i>single dwelling blocks</i> : 35%.	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
<b>4.2 Landscaping</b>	
R19 Development provides a minimum of 15% of the block area for deep root planting.	C19 Development retains sufficient open space for deep root plantings wholly contained within the block boundaries.
<b>4.3 Front setbacks</b>	
There is no applicable rule.	C20 Front setbacks can differ in depth but must be consistent with the existing variations.

### Element 5: Fencing

Rules	Criteria
<b>5.1 Front fencing</b>	
R21 Transparent fences setback a minimum 1m to the front boundary are permitted, with a maximum height above <i>datum ground level</i> of 1.2m.  Note: for the purposes of this rule, transparent fences has the same meaning as in the <i>Residential Boundary Fences General Code</i> .	C21 Fencing setback to the front boundary may be reduced to 0m where it complies with all of the following:  a) provides opportunities for passive surveillance of the street from the dwelling b) is compatible with the <i>desired character</i> c) does not obstruct sight lines for vehicles and pedestrians on verge areas in accordance with Australian Standard AS2890.1- <i>Off-Street Parking</i> .

## RC3 – Community Hall

This part applies to blocks and parcels identified in area RC3 shown on the Oaks Estate Precinct Map.

### Element 6: Use

Rules	Criteria
<b>6.1 Contamination</b>	
R22 An environmental assessment into the site's suitability from a contamination perspective must be undertaken in accordance with the ACT	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
<p>Contaminated Sites Environment Protection Policy and be endorsed by the Environment Protection Authority prior to development or a change in use.</p> <p>This rule does not apply if the Environment Protection Authority has provided written advice that the site has been assessed for contamination to its satisfaction.</p>	

*Planning and Development Act 2007*

# **REPORT ON CONSULTATION**

## **Draft Variation to the Territory Plan 328**

**Oaks Estate: Zone changes and  
amendments to the Oaks Estate  
Precinct Map and Code**

**April 2022**

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# 1. INTRODUCTION

This consultation report was prepared in accordance with s 69 of the *Planning and Development Act 2007* (the P&D Act).

The report describes the consultation undertaken on the draft variation with the public, the National Capital Authority (NCA), the Conservator of Flora and Fauna, the Environment Protection Authority (EPA), ACT Heritage Council and Land Custodian (Transport Canberra and City Services) and responds to the issues raised.

## 2. COMMENTS FROM THE PUBLIC

### 2.1 Details

Draft variation 328 (DV328) was initially released for public consultation in 2015 (**Appendix 1**).

Following consideration of the comments received in 2015 a revised draft variation 328 was released for public comment on 7 August 2021. The closing date for comments was 26 November 2021. A copy of DV328 that was released for public comments is at **Appendix 2**.

Copies of submissions received from the public are provided in **Appendix 3**.

The comments from the NCA, the Conservator of Flora and Fauna, EPA, ACT Heritage Council and Transport Canberra and City Services (land custodian) were received and assessed prior to release of the DV328 are addressed in section 4.2 of this report.

### 2.2 Summary of matters raised

A total of eight written submissions were received. These included submissions from three individuals, one from a property developer, one from a town planning consultant, one from the National Trust, one from the Queanbeyan-Palerang Regional Council and one from the Oaks Estate Residents Association.

The following Table 1 provides a summary of the comments raised in the public submissions, as well as the number of submissions that raised the matter.

Table 1 Summary of matters raised in public submissions:

Issue	Number of submissions
1. Support for whole or part of the draft variation	2
2. Questions the reason for rezoning CZ5 mixed use to CZ4 local centre zone	5
3. Concerns about management of traffic flow and inadequate parking in Oaks Estate	3
4. Request to further consider the village character in the precinct code	3
5. Suggestion that additional community consultation is required	3
6. Need for protection of the Community Facility site for a community hall	2
7. Request for greater flexibility of 2 storey/8.5 metre height limit in the commercial area	2
8. Concern that zone changes are being made to facilitate land release	2
9. Desire to protect heritage values of Oaks Estate	2
10. Questions raised about lack of implementation of recommendations of the Master Plan	2
11. Need for consideration of linkages and a visual connection with the adjacent Queanbeyan Railway Station	1
12. Questions about how the precinct code will provide protection from major environmental threats including bushfire and flooding	1
13. Claims there is an excess of commercially zoned land	1
14. Questions the impacts of the land release program including identified sites, any known proposals and any proposals for affordable or community housing	1
15. Questions why the structure of the Oaks Estate Precinct Code is different to other precinct codes	1
16. Concerns about noise from external sources and possible odour impacts of industrial development on future residents	1
17. Request that front fence provisions are more flexible	1
18. Need to protect PRZ1 Urban Open Space zoned land from car parking	1

Additional information was sought from the Transport Canberra and City Services Directorate, Suburban Land Agency, and the strategic planning area within the Environment, Planning and Sustainable Development Directorate regarding the issues raised in this report, particularly in relation to roads, traffic, parking, bushfire and matters to do with the Oaks Estate Master Plan recommendations.

## 2.3 Issues and responses

The key issues raised are summarised below, and responses provided.

### 2.3.1 Support for whole or part of the draft variation (2 submissions)

Two submissions supported DV328 in whole or in part. One of these submissions commented that the draft variation would achieve an appropriate mix of residential and commercial development, maintain and enhance the character and amenity of the locality, make sure that commercial development is at an appropriate scale that meets the needs of local residents and have a positive impact on the local environment.

#### Response

Support for the draft variation or parts of it are noted.

### 2.3.2 Questions the reason for rezoning CZ5 mixed use to CZ4 local centre zone (5 submissions)

Five submissions questioned the basis of rezoning the CZ5 mixed use zone to CZ4 local centre zone.

Sentiments were expressed that prior to the introduction of the Oaks Estate Precinct Code on 14 December 2012 that there were no site specific controls applicable to Oaks Estate and that the existing Precinct Code in the Territory Plan only contains one planning control applicable to the commercial area that imposes a maximum building height of 2 storeys.

Concerns were raised that proposed new controls are introduced which limit development opportunities as follows:

- a) limits the location of residential development to above ground level (where currently this is not restricted)
- b) limits the maximum gross floor area for shop use to a maximum of 200m<sup>2</sup> where previously the maximum was 1,500m<sup>2</sup>
- c) light industry is no longer a permitted use within the commercial area
- d) limits site coverage to a maximum of 45%
- e) the rezoning of blocks in the CZ5 Mixed Use Zone to CZ4 Local Centre zone would dramatically, unfairly and unnecessarily reduce the value of the land and would adversely impact on development opportunities and clarification is sought about why the blocks are subject to re-zoning
- f) one submission contended that they weren't advised of these proposed changes when the property was purchased in early 2016 and had they been made aware of potential rezoning it would have impacted their decision to go ahead with the purchase
- g) the desired character for the village can be maintained without the need for rezoning of this land and consideration should be given to retaining the existing CZ5 zoning to provide flexibility to achieve development outcomes.

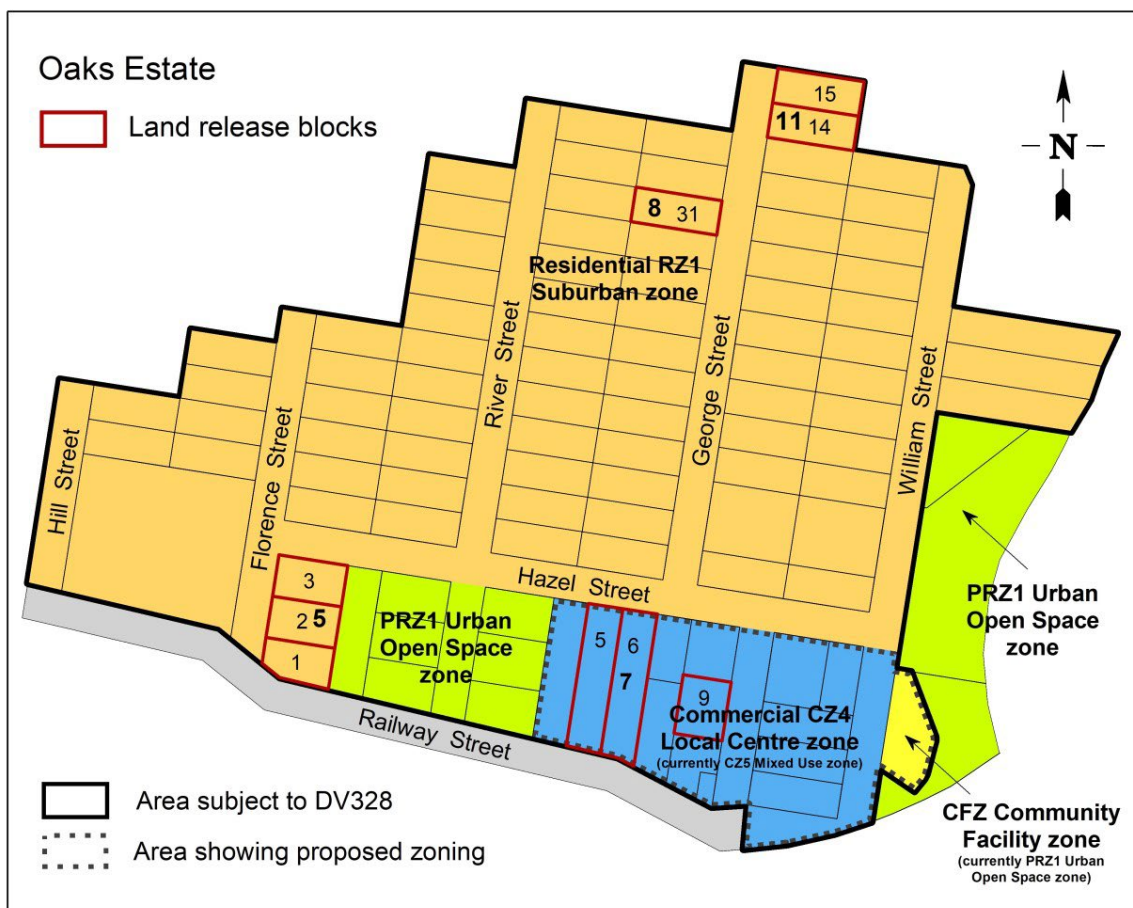
Some comments noted that rezoning would not affect existing uses for individual sheds, warehouses and storage facilities, but raised concerns that these are

inconsistent with a local centre, whereas other uses that are permissible under the current CZ5 zoning (hotel, motel, tourist facility, place of assembly) would be compatible, yet under the proposed changes would no longer be permissible.

It was argued that the total area proposed for CZ4 is significantly greater than what a local centre would require and should therefore be cut back accordingly.

Response

The commercial blocks in Oaks Estate were in the Residential A9 Area Specific Policy under the ACT’s initial Territory Plan, which was in effect prior to 31 March 2008. Area A9 applied to Blocks 4-6 and 9-14 Section 7, and Blocks 1-5 Section 10, Oaks Estate. This area was then zoned Commercial CZ5 Mixed Use when the 2008 Territory Plan took effect. DV328 now proposes to rezone the commercial blocks to Commercial CZ4 Local Centre zone.



**Figure 1 Commercial CZ5 Mixed Use zone blocks proposed to be rezoned to CZ4 Local Centre zone and land release sites**

Prior to 2008, the objectives of the A9 Area Specific Policy were to provide for a range of community, commercial and light industrial uses in conjunction with residential use. Additional uses such as community use, craft workshop, light industry, restaurant, shop and warehouse were permitted, however land use restrictions limited restaurant to the southern parts of Blocks 4, 5 and 6 Section 7, (fronting Railway Street) and shop was only permitted on Blocks 4 and 14 Section 7 and Block 4 Section 10.

The existing precinct code in the Territory Plan contains a maximum limitation of two storeys in height for development in the commercial area.

The following responds to the list of concerns raised above:

- a) As a result of consideration of this comment a change will be made to the Oaks Estate Precinct Code to allow residential development on the ground floor and development will be subject to all other provisions of the Commercial Zones Development Code for CZ4 Local Centre zoned areas. Ground floor residential use is permitted in CZ4 zones under the exiting provisions of the Territory Plan.
- b) The restriction on gross floor area for a shop has been removed for existing leases, so as not to remove existing development potential, and the maximum gross floor area for a shop will be 1,500m<sup>2</sup>, as per the requirements in the Commercial Zones Development Code for the CZ4 Local Centre zone.  
The 200m<sup>2</sup> restriction on shop size will remain for the sites on the land release program in the commercial area. Adequate on-site parking will need to be provided in accordance with the requirements of the Parking and Vehicular Access General Code, should a block be redeveloped for this purpose.
- c) The development tables in the Oaks Estate precinct map stipulate additional merit assessable uses and additional prohibited uses for specific blocks, and limits light industry, industrial trades and warehouses to blocks where these uses are already permitted in the lease. DV328 also rectifies errors in the uses listed as prohibited and/or permitted on certain blocks in the current Oaks Estate Precinct Map and Code.
- d) The maximum 45% site coverage for development on blocks in the commercial zoned area was recommended in the master plan to make sure that over-development of blocks does not occur. The site coverage requirement retains sufficient open space on site to assist in maintaining the village's landscape character. Therefore it is not proposed to increase the maximum site coverage for the commercial blocks.
- e) The rezoning to CZ4 Local Centre zone is not expected to reduce the value of the blocks as the range of uses that can be undertaken are similar to those currently permitted. The changes to the precinct code retain uses that are currently permitted in the leases for those blocks.  
While rezoning the commercial area from CZ5 to CZ4 Local Centre zone was not proposed in the Master Plan or the initial consultation version of DV328, it has been proposed in response to comments received during the 2015 consultation about an unacceptable level of possible development under a CZ5 zoning.
- f) The decision to rezone the sites was made after 2016 in response to community comments received about DV328 released in 2015. Therefore the proposal to rezone land was not released for public consultation until 2021.
- g) The rezoning to CZ4 is considered to be a better fit with the desired character of the suburb, with desired development outcomes being achieved through the proposed planning provisions. These provisions have been further revised following consideration of public submissions. It is

noted that the commercial area in Oaks Estate is unique, and this is recognised by including additional requirements for the Local Centre CZ4 zone.

### **2.3.3 Concerns about management of traffic flow and inadequate parking in Oaks Estate (3 submissions)**

The following concerns and comments were raised regarding parking provision for the corner store and liquor shop:

- a) It was raised that the existing corner and liquor stores have inadequate parking provision and have to rely on currently illegal parking. Submitters also observed that on-street parking in front of or beside those businesses restricts vision at the intersection of Railway Street and McEwan Avenue and should not be allowed on safety grounds. The argument is that existing businesses should not be made to pay the cost of this by having their current (albeit illegal) customer parking entirely removed.
- b) A submitter suggests that at least part of block 9, section 7 should be expressly zoned for parking for customers of the existing corner shop and liquor store. The submitter also suggests that the land needed for this should not be sold, nor should it be considered as available to meet the parking requirements of development on other blocks in the proposed CZ4 Local Centre zone. It is argued that the existing parking needs of the liquor store and corner store cannot be met if they are considered only as part of future development applications.

#### Response

- a) The parking and traffic situation is existing and DV328 is not proposing any changes. TCCS and the Suburban Land Agency (SLA) have been advised of the issues raised. Any new development would need to meet the requirements of the Parking and Vehicular Access General Code as noted by the submitter. The matter of illegal car parking to access the bottle shop and corner store has been referred to TCCS for its consideration.
- b) The SLA advised that any development on the three blocks in the land release program in the commercial area will contain carparking for residents and visitors. SLA indicated that any reduction in the size of block 9 section 7 to provide for parking for customers of the corner shop and liquor store would not allow any additional development on site.

Submitters asked questions regarding whether traffic impacts have been assessed for Oaks Estate via modelling and suggested that there is a serious traffic problem.

The following questions were asked:

- a) "Has traffic and parking in Oaks Estate been analysed, and what does traffic modelling show for things like truck movements and parking

requirements associated with proposed commercial uses and shop top housing?

- b) What are the road safety implications as through traffic and population across the border grows? There is currently a serious traffic problem at the intersection of Railway Street and McEwan Avenue caused by significant traffic flow through Oaks Estate to Queanbeyan. The recommendations of DV328 have the potential to compound these existing problems by funnelling significant increased traffic flow from Railway Street through McEwan Avenue into the residential area of the suburb.
- c) How many apartments are projected to be developed in the proposed CZ4 zone?
- d) The Government must undertake a traffic management study for Oaks Estate and land sales should not proceed until this is completed and actioned.”

### Response

- a) The Suburban Land Agency advised that based on a preliminary traffic impact assessment undertaken as part of the Site Investigation Report, new developments would not create significant additional traffic issues for the area.

The changes proposed in DV328 will not necessarily have an impact on increasing traffic flow, as the changes to the commercial zoning to the CZ4 Local Centre zone do not permit greater development potential than already allowed under the current commercial CZ5 Mixed Use zone.

- b) TCCS advised that no traffic studies have been undertaken specifically on the road safety implications of through traffic and population across the border. TCCS has been advised of the comments about the reported traffic problems. Any new development will need to be able to demonstrate that the existing road network can accommodate the amount of traffic that is likely to be generated by the development. This is a requirement of the Commercial Zones Development Code (Criterion C21) that applies to development in commercial zones.
- c) The number of dwellings in a multi unit development would depend on the purchasers’ development intentions for the sites earmarked for sale under the Government’s land release program, market demand and the future development intentions of current lessees of commercial blocks in the suburb. Multi unit development will be restricted by the two storey height limit in the Commercial Zones Development Code for the CZ4 Local Centre zone and the maximum 45% site coverage limit on blocks in the commercial area.
- d) A preliminary traffic management impact assessment was completed as part of the Site Investigation Report undertaken by EPSDD. These have been completed on a block-by-block basis. The outcome of the traffic analysis was that impact on the existing network performance would be

negligible as the additional traffic to be generated by the proposed developments would not be significant.

The Commercial Zones Development Code also contains a provision relating to traffic generation that requires a development proposal to demonstrate that the existing road network can accommodate the amount of traffic that is likely to be generated by the development and would be subject to review by TCCS at development application stage.

#### **2.3.4 Request to further consider the village character in the precinct code (3 submissions)**

Questions were raised about why the desired character statements do not mention historical rural village, scenic rural vistas and heritage values that are mentioned in the master plan.

Comments were made that there are repeated references to a 'village character' in the explanatory statement that are not contained in the precinct code or linked to special characteristics/controls that would enhance and protect this character. If RZ1 is to be applied and a village character achieved, then greater detail needs to be prepared and circulated for public comment during the draft variation process.

##### Response

Noted.

The desired character statements for the commercial area and residential area in the precinct code have been amended to include reference to the historical rural village characteristics, scenic rural vistas and heritage values of Oaks Estate.

Heritage places in Oaks Estate are protected through the Heritage Places Register, therefore heritage values are not further mentioned as the listing of the suburb was not accepted by the Heritage Council in April 2017. No changes are proposed to the existing RZ1 residential zoning.

#### **2.3.5 Suggestion that additional community consultation is required (3 submissions)**

Submissions mentioned that the demographics of Oaks Estate have significantly changed in the 6 years following the initial public consultation undertaken. Further community consultation is requested around the need or purpose of rezoning before the variation is approved.

##### Response

Noted.

The comments from the latest round of community consultation on DV328 undertaken in 2021 provided a diversity of views and suggested changes, which have been considered, and amendments made to the recommended draft variation in response to the issues raised. The draft variation recommended to the

Minister for Planning and Land Management and the report on consultation is then referred by the Minister to the Legislative Assembly's Standing Committee on Planning, Transport and City Services for consideration. The Standing Committee has the opportunity to review these documents and should it so choose, undertake an inquiry and make recommendations on DV328. If the Committee holds an inquiry, it usually calls for public submissions, and may hold public hearings. There may be further opportunity for community comments if the Committee decides to report.

### **2.3.6 Need for protection of the Community Facility site for a community hall (2 submissions)**

Concerns were raised that the rezoning the community hall site to Community Facility Zone (CFZ) would potentially permit 4 storey social housing at some later date. Submissions argued that this would be inappropriate in the context of Oaks Estate historically, and inconsistent with its character. A suggestion was made that the precinct code should be amended to limit land use on this site to a single storey community hall in keeping with its existing use.

Submissions also stated that the Community Hall needs to be maintained into the future and the site also needs to be retained for a community facility. It was noted that Oaks Estate has no community infrastructure other than the Hall and in the event of it burning down it should not be permitted to be used for other purposes or inappropriate development.

#### Response

Noted.

The land on which the community hall is located is proposed to be zoned Community Facility zone, which limits uses to those that would benefit the local community, including the provision and retention of a community hall. The objectives of the Community Facility zone include:

- a) To facilitate social sustainability and inclusion through providing accessible sites for key government and non-government facilities and services for individuals, families, and communities; and
- b) To provide accessible sites for civic life and allow community organisations to meet the needs of the Territory's various forms of community.

Following consideration of the above issues and in the context of the proposed rezoning of the block to CFZ Community Facility Zone, it is proposed to prohibit supportive housing and retirement village on the block (uses that are normally permitted in the CFZ zone). The precinct map and development table for additional prohibited development has been adjusted to reflect this change.

### **2.3.7 Request for greater flexibility of 2 storey/8.5m height limit in the commercial area (2 submissions)**

Comments were made about multiple examples of existing buildings in Oaks Estate that exceed the proposed two storey height limit.

It was observed that even though the maximum building height in storeys is not proposed to be changed by DV328 a maximum height of 8.5m is proposed.

Concerns were raised that given the maximum permitted building height is 2 storeys, there are limited development configurations that can be achieved to accommodate ground floor commercial uses to meet the design requirements, as well as site coverage restrictions. Commercial development opportunity is limited, and any potential residential development opportunity is halved as a result of the proposed draft variation.

It was argued that the maximum 8.5m building height should not be a mandatory control for the same reasons of flexibility in design outcomes.

#### Response

Noted.

To allow greater flexibility of design the maximum building height of 8.5m has been removed, and the height provision currently contained in the Commercial Zones Development Code for the CZ4 Local Centre zone of 2 storeys will apply. This is consistent with the current restriction on height of 2 storeys for the current commercial area (CZ5) in the precinct code.

### **2.3.8 Concern that zone changes are being made to facilitate land release (2 submissions)**

Concerns were raised that the motive behind DV328 appears to be the most recent published version of the Indicative Land Release Program (ILRP).

#### Response

The draft variation was first released in 2015 to implement the recommendations of the master plan.

The Land Release Program is a separate process to the draft variation process. Land releases under the Program could proceed independently to the draft variation. Due to the proposed commercial zone adjustment, it is considered prudent for the sale of the unleased residential and commercial blocks in Oaks Estate to follow the release of the draft variation, enabling potential purchasers to be aware of the requirements and restrictions relating to the land to be released.

### **2.3.9 Desire to protect the heritage values of Oaks Estate (2 submissions)**

#### Comment

Concerns were raised about the impact of rezoning such a large proportion of the area for commercial land next to what was purported to be an increasingly busy

road that is affected by flooding. Removing the current prohibition on industrial trades and light industry, was argued to be potentially damaging to the heritage values of the area as a whole and its heritage-listed properties (Robertsons' House and The Oaks).

#### Response

The rezoning of the commercial CZ5 Mixed Use zone to the CZ4 Local Centre zone is not anticipated to have any increased impact on the heritage sites. The individual leases for blocks in the commercial area contain lease purpose clauses, some of which allow industrial trades and light industry on the blocks. The changes to the precinct code are to rectify errors in the current precinct map and code regarding additional prohibited uses, which occurred when the Territory Plan was restructured in 2008 and uses were transitioned from the previous Territory Plan.

#### Comment

It was suggested that respecting Robertsons' House and its heritage within the commercial zone required more than the minor setback rules proposed, which it was argued could be easily relaxed using the criteria. Comments included that there must be a defined buffer within the CZ4 zoning to ensure that the scale and massing adjacent to Robertsons' House suited the setting.

#### Response

The increased setbacks on adjoining blocks to provide physical and visual separation to Robertsons' House are considered to be adequate to protect the heritage character of the site. Justification that a development proposal met the criteria would be rigorously assessed by the planning and land authority and considered by the ACT Heritage Council, as part of any development application process.

Some commercial uses that are currently permitted on the Heritage listed Robertsons' House are proposed to be prohibited, resulting from the consideration of these comments. Additional prohibited developments are proposed to include indoor entertainment facility, light industry, industrial trades, and service station. These uses will be incorporated into the draft variation by adding additional prohibited development in a PD4 area in the Oaks Estate Precinct Map and Code. These are in addition to the already prohibited uses of restaurant and shop.

#### Comment

Comments stated that the heritage values of Oaks Estate have been highlighted in two previous reports that supported listing the area as a Conservation Area, but that was not supported by the ACT Heritage Council at the time. Submitters believed that Oaks Estate has significant heritage value as a unique and different part of Canberra that requires official recognition. It was suggested that it could be

listed in a similar way to Blandfordia 4 with streetscape and character controls and reasonable freedom to develop new buildings.

The National Trust commented that it is prepared to work with EPSDD and ACT Heritage Council to achieve this and strongly recommends this action.

#### Response

The ACT Heritage Council resolved in April 2017 not to register the entire Oaks Estate for inclusion on the ACT Heritage Register, determining that the suburb was not historically or architecturally significant enough to meet the criteria for listing.

This comment by the National Trust was noted.

#### Comment

An explicit mandatory buffer was suggested for both the heritage listed 'The Oaks' and 'Robertsons House', and protective controls on their setting was requested to be included in the precinct code.

#### Response

The Oaks is situated on large blocks located in the NUZ2 Rural zone and NUZ4 River Corridor zone. The NUZ2 and NUZ4 zones limit any significant development impacting The Oaks, and it is not considered that a further heritage buffer is required for The Oaks site. DV328 does not propose any changes to the NUZ2 and NUZ4 zones.

Protective controls for Robertsons' House are outlined above. Adequate protective controls for Robertsons' House are proposed to be included in the precinct code.

### **2.3.10 Questions about lack of implementation of Mater Plan recommendations and questions whether there was an opportunity to provide comment (2 submissions)**

Some submitters wanted to know in what way the Master Plan informed the precinct code or actions taken, and the following queries were expressed:

- a) what actions have been taken to improve the sense of arrival via the two road accesses
- b) what measures have been implemented to service the community with public transport, and wrap around services
- c) what actions have been taken to augment water, sewage, stormwater and fire and emergency services
- d) what measures have been taken to replace "inappropriate substandard social housing" or "reduce the high concentration of complex social problems"

One submitter advised that they were not involved in the Master Plan 2014 and do not recall having the opportunity to make a submission in relation to the Master Plan.

### Response

The following responses are provided:

a) *Sense of arrival*

Comments about this matter have been referred to Transport Canberra and City Services (TCCS), as the agency responsible for roads and streetscape within the public realm. Capital works projects of this nature are subject to TCCS budgets.

b) *Public transport*

Currently passengers can transfer from a QCity Transit service to a Transport Canberra service and vice versa if proof of Oaks Estate residency is provided.

c) *Water, sewage, stormwater*

These services may require upgrading as development occurs. This is considered at the development application stage, along with the associated consultation with utility providers regarding ongoing maintenance and upgrading.

*Fire and emergency services*

The draft variation was circulated to ACT Emergency Services Agency and no comments were made.

d) *Social housing*: The Community Services Directorate of the ACT Government is responsible for the asset management of the ACT public housing portfolio.

**Master Plan consultation:** Extensive engagement and discussion with the stakeholders and the community of Oaks Estate, including the opportunity to make comment, formed a key part of the master plan process. More than 250 people attended various meetings, filled in surveys and/or took part in individual conversations. The engagement outcomes reports are available at: [www.planning.act.gov.au/planning-our-city/planning-projects/master-plans/oaks\\_estate\\_master\\_plan](http://www.planning.act.gov.au/planning-our-city/planning-projects/master-plans/oaks_estate_master_plan)

### **2.3.11 Need for consideration of linkages and a visual connection with the adjacent Queanbeyan Railway Station (1 submission)**

Questions were asked about:

- a) whether there would be opportunities to create attractive frontages to Queanbeyan Railway Station
- b) what the status is of the DCP for Queanbeyan Railway Station and whether there are plans to invest in upgrading the rail link

- c) if the railway link from Canberra to Sydney was to be upgraded in the future and if a hotel, youth hostel, bed and breakfast or backpackers' accommodation could be viable why are these uses prohibited in the draft variation.

#### Response

- a) Provisions are proposed which require ground floor commercial use fronting onto Railway Street facing the Queanbeyan Railway Station.
- b) The status of the Development Control Plan for the Queanbeyan Railway Station is a matter for Queanbeyan-Palerang Regional Council, as it is outside of the ACT.
- c) Guest house (which includes a youth hostel) is a permitted use in the CZ4 local centre zone.

### **2.3.12 Questions about how the precinct code will provide protection from major environmental threats including bushfire and flooding (1 submission)**

#### Comment

How will the precinct code equip Oaks Estate to deal with major threats and what is the preparedness for threats from fire, heavy rain, storms and flooding and why there are no protections included in the precinct code.

#### Response

Threats including bushfire and flooding are not specifically covered by the Precinct Code. Other management and policy options related to these issues are being undertaken and explored more broadly outside of the Oaks Estate Precinct Code.

#### *Bushfire*

The grass fuel loads surrounding Oaks Estate are managed by the ACT Government predominantly through a slashing program and only non-urban areas of the ACT are formally declared as bushfire prone areas.

#### *Heavy rains, storms, flooding*

Transport Canberra and City Services is considering options to improve the resilience of Canberra's low-level crossings to storm and flood events. Any potential upgrades to the low-level crossing at Oaks Estate would be subject to future capital works planning and funding opportunities.

### **2.3.13 Claims there is an excess of commercially zoned land (1 submission)**

The following comments were received about the commercially zoned land:

- a) Better to designate a core local centre, a multi-purpose public open space for recreation and markets, a heritage buffer for The Oaks and Robertsons'

- House, and make adequate provision for off-street parking to help make a few shops on McEwen Avenue viable
- b) Questions why so much land is zoned commercial in Oaks Estate compared to other local centres such as Ainslie. The submitter claims that a third of the land allocated to commercial purposes in Oaks Estate would serve a population over 20 times the size
  - c) The question was asked whether there is a risk of promoting big box developments
  - d) The submitter claims there is much vacant commercial space in Beard, Fyshwick and Queanbeyan.

### Response

- a) Directly adjacent to the commercial area to the west is urban open space zoned land, that can be used for recreation and markets, and the precinct code contains provisions to buffer the Robertsons' House heritage site from adjoining development. Off-street parking is considered under section 2.3.3.
- b) Oaks Estate has a unique history and the commercial uses have developed independently of other local centres such as Ainslie. Oaks Estate was first developed as an industrial area, and has a long history of industrial and manufacturing uses. The commercial zoning in Oaks Estate is consistent with the extent of mixed residential/commercial area land use policy contained in the previous Territory Plan (prior to 2008).
- c) A mix of uses are possible and permitted in the Commercial CZ4 Local Centre zone. It is not expected that all the commercial land will be used for commercial purposes, as the CZ4 zone also permits residential development and ground level residential development will also be permitted, except where fronting Railway Street and McEwan Avenue. A big box development would need to demonstrate sufficient car parking area is provided. Commercial sites for sale in Oaks Estate under the land release program will still be limited to a 200m<sup>2</sup> shop floor area.
- d) Demand for commercial and industrial land is strong in the ACT given constrained supply.

### **2.3.14 Questions the impacts of the land release program including identified sites, any known proposals and any proposals for affordable or community housing (1 submission)**

- a) Questions were asked about which particular sites the commercial land release would apply to, how that development would be staged in relation to the remainder of the CZ4, and how parking would be handled.
- b) A question was also asked whether there is a proposal in the wings that the community should know about.
- c) The submitter claimed that none of the 17 dwellings listed in the ILRP for Oaks Estate are classified as community housing, affordable housing or public housing, and questioned whether that meant that the intention is for those blocks to be sold off to a private developer with no requirement for

affordable housing, or are they all intended to be build-to-rent and offered as private rentals?

#### Response

- a) The Land Release Program and the sale of the land by the SLA is a separate process to the draft variation. Figure 1 indicates the location of sites to be released. The SLA provided a fact sheet regarding the sale of the blocks and the location of the blocks in Oaks Estate. This can be viewed at: [www.planning.act.gov.au/draftvariations](http://www.planning.act.gov.au/draftvariations). Parking is to be provided in accordance with the Parking and Vehicular Access General Code.
- b) EPSDD is currently unaware of any specific proposals related to the sale of the land by the SLA.
- c) The dwellings will be developed in accordance with the Oaks Estate Precinct Code and the relevant development codes. Any additional requirements may be put in place via the conditions of sale determined by the SLA.

### **2.3.15 Questions why the structure of the Oaks Estate Precinct Code is different to other precinct codes (1 submission)**

Questions were asked as to why the precinct codes for Hall and Tharwa are structured so differently and why the main emphasis in DV328 is on the commercial precinct rather than the place as a whole, then breaking that down into components.

#### Response

Precinct codes respond to the unique characteristics of a particular suburb and in both cases the recommendations of the respective Master Plans.

While the main emphasis may appear to be on the commercial area due to the proposed zone change, the location of the heritage site within the commercial area, and the number of provisions applicable to this area are intended to make sure the precinct is not developed in an ad hoc manner. The proposed provisions seek to make sure that over-development and inappropriate development in close proximity to the heritage site does not occur. The commercial zoning change was proposed in response to the concerns raised by the community in the first round of consultation in 2015.

Changes are also proposed in the areas zoned as Residential RZ1 Suburban. This includes a number of controls which make sure any new development or re-development is in keeping with the existing streetscape character.

### **2.3.16 Concerns about noise from external sources and possible odour impacts of industrial development on future residents (1 submission)**

It was argued in one submission that DV328 fails to address the potential noise and odour risks to future residents from external sources including the adjacent main Canberra to Sydney railway line, the Queanbeyan East industrial area, and/or any existing or future light industrial uses permissible under existing leases within Oaks Estate. Criterion C1 fails to offer any protection to future residents from these impacts.

It was further stated in the submission that DV328 is insufficient in comparison with the far more stringent mandatory requirements imposed under similar circumstances elsewhere. The submitter maintains that future ACT Government land sales should be subject to the same requirements as applied to the private sector in similar circumstances regarding noise and odour assessment and mitigation from both internal and external sources.

The submitter contends that if initial studies were undertaken to address such risks to the satisfaction of EPSDD and the EPA, copies of such assessment should be made available as there is no evidence of this in the supporting documentation.

#### Response

The rezoning is from one type of commercial zone to another, which contain similar land use restrictions. Therefore further site specific restrictions about noise and odour assessments are not considered necessary.

The Commercial Zones Development Code which forms a part of the Territory Plan and applies to all commercial development contains a rule that requires development that includes any potentially noisy uses to comply with a noise management plan prepared by a suitably qualified person and endorsed by the Environment Protection Authority (EPA). The noise management plan details the proposed building design, siting and construction methods that will be employed in compliance with the Noise Zone Standard of the Environment Protection Regulation 2005, based on the estimated noise levels when the facility is in use. These requirements for development assessment are the same for all developments, whether or not they are private.

The Environment Protection Authority (EPA), whose legislation governs noise and odour impacts on development, reviewed the draft variation and expressed its support for the draft variation.

### **2.3.17 Request that front fence provisions are more flexible (1 submission)**

One submission contends that the proposed 1 metre setback (for front fences) is not necessary and does not match the way front fences have always been used in this suburb. The submission also contended that the proposed height limit of 1.2 metres is too restrictive, and that the height limit should be 1.5 metres.

#### Response

The 1m setback is to allow for low level planting in front of the fence, contained within the block boundary. The 1m setback requirement is also to make sure that

sight lines for drivers and pedestrians are maintained. Alternatives can also be considered under the criterion which provides for a level of flexibility.

It is considered that 1.2m high front fences are adequate. Unless specifically referenced in a precinct code for a particular suburb, front fences are prohibited in the ACT.

### **2.3.18 Need to protect PRZ1 Urban Open Space zoned land from car parking (1 submission)**

One submission contends that the urban open space (PRZ1 zoned land between Hazel Street and Railway Street) should be protected from being used as overflow parking for the adjoining CZ4 area.

#### Response

Parking is not permitted on PRZ1 zoned land unless it is ancillary to the primary purpose of the land for open space and recreational purposes.

### 3. SUMMARY OF CHANGES TO THE DRAFT VARIATION

#### 3.1 Changes to the draft variation after public consultation

Topic	What has changed?
Additional Prohibited Development – Oaks Estate precinct map	PD5 added to prohibit retirement village and supportive housing on the community facility site (Block 4 Section 15 Oaks Estate)
Restriction on ground floor residential use	<p>The restriction on ground floor residential use has been removed, apart from where ground floor commercial uses are required fronting Railway Street and McEwan Avenue.</p> <p>The applicable controls specified in the Commercial Zones Development Code for the CZ4 local centre zone apply.</p>
Frontages to Railway Street and McEwan Avenue	Commercial uses are required at the ground floor fronting Railway Street and McEwan Avenue. Alternatively, the criterion can be used and requires ground floor level to be adaptable for commercial uses.
Restriction to <i>gross floor area</i> for <i>SHOP</i>	The restriction of 200m <sup>2</sup> gross floor area for <i>SHOP</i> has been removed for existing leases but will be retained for the commercial blocks to be sold by the SLA (Blocks 5,6,9 Section 7 Oaks Estate). The applicable gross floor area for <i>SHOP</i> in the CZ4 local centre zone as specified in the Commercial Zones Development Code will apply.
Height limit restriction of 8.5 metres in the CZ4 zone	Removed. Standard provisions for a maximum 2 storey height limit in the Commercial Zones Development Code for the CZ4 Local Centre zone apply.
Block 11 Section 7 Oaks Estate – Robertsons House heritage site	Further uses have been prohibited on the heritage listed Robertson’s House site in the Oaks Estate Precinct Map. A PD4 area for Block 11 section 7 has been added to Table 1: Additional prohibited development in the Precinct Map and Code.
Desired character statements	Desired character statements have been amended for the RC1 Commercial local centre and RC2 Residential area sub-precincts in the Oaks Estate precinct code to include reference to historical rural village, scenic rural vistas and heritage values.

## **4. COMPLIANCE WITH THE PLANNING AND DEVELOPMENT ACT 2007**

### **4.1 Release for Public Comment (section 63)**

DV328 was made available for public comment from 7 August 2021 to 26 November 2021. A consultation notice under s 63 of the P&D Act was published in the ACT Legislation Register on 7 August 2021 and a public notice was posted online on 9 August 2021.

### **4.2 Consultation with Government agencies (section 61 (b))**

Consultation was undertaken with the following agencies and their comments reported in the draft variation that was released for public notification in 2021 (**Appendix 2**): the National Capital Authority, the Environment Protection Authority, the Conservator of Flora and Fauna, the ACT Heritage Council; and Transport Canberra and City Services Directorate (the land custodian).

### **4.3 Notice of Submission to the Minister (section 70)**

In accordance with s 70 of the P&D Act, a public availability notice will be placed on the ACT Legislation Register stating that DV328 has been submitted to the Minister and that the documents are available for public inspection.

## 5. APPENDICES

**APPENDIX 1**  
**Draft variation 328 public release version 2015**

**Appendix 2**  
**Draft variation 328 public release version 2021**

**APPENDIX 3**  
**Copies of public comments received on draft variation 328**



**ACT**

Government

Environment and Planning

Planning and Development Act 2007

**DRAFT  
VARIATION TO THE  
TERRITORY PLAN  
NO 328**

Oaks Estate:

Zone changes and amendments to the Oaks  
Estate precinct map and code

January 2015

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

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# **1. INTRODUCTION**

## **1.1 Summary of the Proposal**

The draft variation incorporates the recommendations of the recently endorsed Oaks Estate master plan. DV328 proposes amendments to the Oaks Estate precinct map and code to provide new opportunities for growth and change in the suburb while maintaining the history and character of Oaks Estate.

## **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 which 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 and Planning Directorate (EPD).

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 non urban), 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 EPD submits a report on consultation and a recommended final variation to the Minister responsible for planning for approval. The Minister has the discretion to determine if referral to the Legislative Assembly standing committee responsible for planning is warranted prior to approval, depending on the nature and significance of the proposal. If the draft variation is referred to the committee by the Minister or otherwise, 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 This document**

This document contains the background information in relation to the proposed variation. It comprises the following parts

Part 1 This Introduction

Part 2 An Explanatory Statement, which gives reasons for the proposed variation and describes its effect

Part 3 The Draft Variation, which details the precise changes to the Territory Plan that are proposed

### **1.4 Public Consultation**

Written comments about the draft variation are invited from the public by **COB 16 March 2015**.

Comments should include reference to the draft variation, your name and contact details, and be addressed to the Territory Plan Unit.

Comments can be:

- emailed to [terrplan@act.gov.au](mailto:terrplan@act.gov.au)
- mailed to Territory Plan Comments, GPO Box 158, Canberra, ACT 2601
- delivered to EPD's Customer Service Centre at 16 Challis Street, Dickson

Copies of written comments will be made available (unless excluded) 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 EPD's customer service centre in Dickson and may be published on EPD's website.

Comments made available will include personal contact details unless 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 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](http://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 the Environment and Planning Customer Service Centre, 16 Challis Street, Dickson, 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 ACT Government has been preparing a series of master plans for selected areas that identify the existing character and opportunities and constraints affecting each area. The master plans formulate recommendations for each area to protect the desired character while providing future development opportunities.

The Oaks Estate master plan, covering the village of Oaks Estate, was developed with input from the local community during 2012 to 2014 and endorsed by the ACT Government in November (anticipated date) 2014. The preparation of DV328 is one of the key measures for implementing the recommendations of the Oaks Estate master plan.

### 2.2 Site Description

The subject area is located between the Molonglo River to the north, the Queanbeyan River to the east and the ACT/NSW border to the south, and is directly adjacent to the NSW township of Queanbeyan. The residential area is predominantly single dwellings, with a number of two to four storey multi unit developments. The compact commercial area is generally single storey, with some bulkier industrial buildings.

There are a number of locations within Oaks Estate either nominated to the Heritage Register, identified as having potential heritage significance, or otherwise contributing to the character of the suburb.

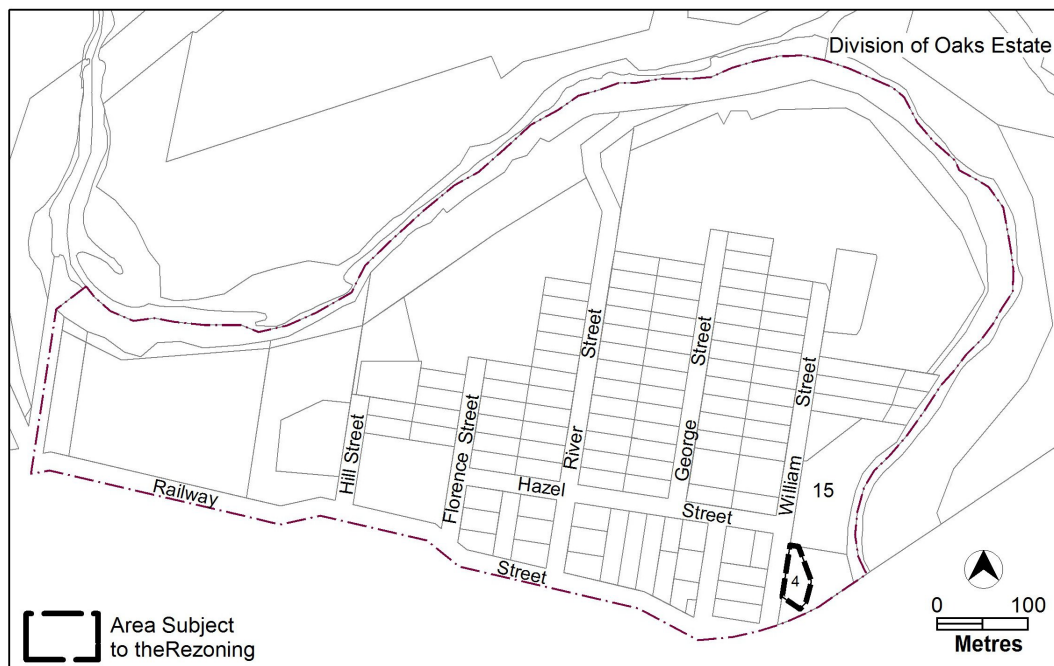


Figure 1: Location map and area subject to rezoning

## 2.3 Current Territory Plan Provisions

The Territory Plan map zones for the area subject to this variation are shown in Figure 2. The suburb is predominately zoned RZ1 suburban residential, with a small portion of CZ5 Mixed Use Commercial and PRZ1 Urban Open Space located at the southern boundary. Located to the north of the suburban area is the NUZ1 Broadacre land and NUZ4 River Corridor, which contains the Molonglo and Queanbeyan River corridors.

The relevant codes applying to the subject area are the Oaks Estate precinct map and code generally as well as:

- the Commercial Zones Development Code for development in the commercial zones
- the Residential Zones Development Code, Single Dwelling Housing Code and the Multi Unit Housing Development Code for residential development
- the Non Urban Zones Development Code for development in the Broadacre and River Corridor zones
- the Parks and Recreation Zone Code for development in the urban open space areas

The general codes may also apply.

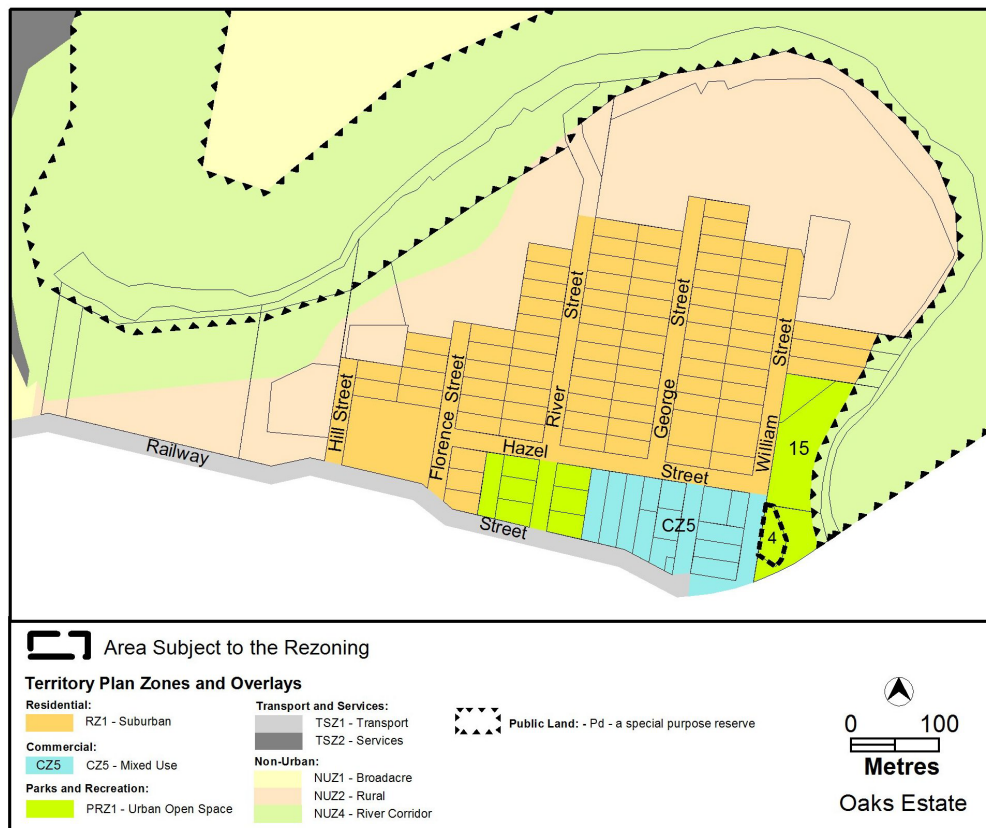


Figure 2 Territory Plan Zones Map

## **2.4 Proposed Changes**

### **2.4.1 Proposed Changes to the Territory Plan Map**

The proposed changes to the Territory Plan map are indicated in Figure 3 at Part 3 of this document and are detailed as follows:

- the block containing the community hall will be rezoned from PRZ1 public open space to CFZ Community Facility Zone to reflect the existing use

The draft variation map indicates the proposed zone boundaries as accurately as possible but may be subject to adjustments following detailed surveys.

### **2.4.2 Proposed Changes to Territory Plan**

It is proposed to amend the Oaks Estate precinct map and code, in accordance with the recommendations of the Oaks Estate master plan, as follows:

- amending the prohibited uses table to permit SHOP, NON RETAIL COMMERCIAL and restaurant on blocks adjoining Railway Street or McEwan Avenue, while retaining the restriction on hotel, motel and service station
- permitting two storey development in the commercial area generally, with an allowance up to three storeys towards Railway Street and McEwan Avenue
- requiring space for deep root planting areas as part of new development in the commercial areas
- requiring parking in commercial areas to be behind the building line, or screened with landscaping
- requiring articulation of commercial building facades, with front setbacks to reflect the existing block patterns and character of the precinct
- permitting low transparent fencing in front of the building line in the residential area
- introducing site coverage restrictions on commercial and single dwelling housing blocks

## **2.5 Reasons for the Proposed Draft Variation**

The reasons for the draft variation are to implement the recommendations of the Oaks Estate master plan to provide new opportunities for growth and change while maintaining the history and character of Oaks Estate, its setting and association with the Molonglo and Queanbeyan rivers.

## **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 required that the Territory Plan is not inconsistent with the NCP.

### **2.6.2 Territory Plan**

#### Statement of Strategic Directions

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.

1.9 Urban expansion will be contained in order to minimise impacts on valuable natural and rural areas

The draft variation is consistent with this requirement as it retains the existing limit of development within Oaks Estate to protect the river corridor and broadacre agricultural area from development pressure.

1.25 Heritage and cultural values will be safeguarded, including in particular those of the Territory's Aboriginal peoples and those derived from both its rural history and urban development as the National Capital. The distinctive qualities of residential areas and other places, as well as elements of community heritage, will also be recognised and their conservation promoted.

This principle is met through the protection of the distinctive character of the land by constraining the level of development permitted, and encouraging moderate levels of development limited to the commercial area. The heritage aspects of the area are protected through the operation of the Heritage Act.

2.16 Retention of Canberra's unique landscape setting, including the integration of natural and cultural elements that create its 'garden city' and 'bush capital' qualities, will be accorded the highest priority. Special attention will be given to safeguarding visual amenity, protecting vegetation and other important features within the established urban landscape, and ensuring the high quality of environmental design in new developments or redevelopment.

DV328 complies with this principle through the protection of the character of the area, including limits on building heights and measures to reflect the existing built form, to reduce potential impacts on the physical and visual character of the area.

## **2.7 Interim Effect**

Section 65 of the Planning and Development Act 2007 applies to the draft variation. This means that, in addition to the Territory Plan, the provisions of Draft Variation No 328 apply to development applications lodged on or after **30 January 2015**.

The effect of section 65 during the defined period means that the ACT Government must not do or approve anything that would be inconsistent with the Territory Plan. Put simply, the provisions of the draft variation are part of the Territory Plan for a period of up to one year from the date of this notice, unless the draft variation commences, is withdrawn or rejected by the ACT Legislative Assembly.

## 2.8 Consultation with Government Agencies

The EPD 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
- 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 9 October 2014.

*“The subject site of DV328 is located within an Urban Area as identified in the General Policy Plan (Metropolitan Canberra) of the Plan. The site is outside Designated Areas and is not subject to Special Requirements.*

*The area is subject to the Molonglo River corridor, a river corridor identified as being an area of Special Requirements in the National Capital Plan (the Plan). The Draft Variation sufficiently addresses the area and river corridor requirements.*

*The draft variation is not inconsistent with the Plan.”*

Response

Noted.

## **Conservator of Flora and Fauna**

The Conservator of Flora and Fauna made the following comments  
15 October 2014.

*“DV. 328 can be supported though the variation should contain a requirement for the residential areas to have a provision similar to the provision for the commercial area for area to be kept for deep rooted planting. Oaks Estate currently contains blocks of flats that may be redeveloped in the future. Requiring these blocks to have areas set aside for deep rooted plantings will allow for large canopy trees to establish that will not only provide connectivity for birds but will also have the added benefit of providing shade to mitigate the effects of rising temperatures due to Climate Change.*

*It is noted that the single dwelling blocks have a maximum site coverage of 35% which will provide for deep rooted planting area.”*

### Response

Noted. Pursuant to the Single Dwelling Housing Development Code and Multi-Unit Housing Development Code, developments require a certain percentage of their open space to be permeable and available for landscape gardening. Oaks Estate also has a maximum site coverage provision which will restrict the footprint of buildings on the site. Both of these provisions provide adequate space for deep root planting on a residential block if a leaseholder wishes to. As this variation implements the Oaks Estate Master Plan which has not specifically identified that deep root planting should be enforced in the residential area there is no reason to include it in this variation. Also compliance enforcement for landscaping is quite difficult with certain types of planting or landscape removal being exempt from development consent.

## **Environment Protection Authority**

The Environment Protection Authority provided the following comments on 30 October 2014.

*“From a contamination perspective, given the unknown history and unknown activities undertaken on the blocks, the variation would be supported provided appropriate environmental assessment in accordance with the ACT Government’s Strategic Plan Contaminated Sites Management, 1995 and EPA endorsed guidelines be undertaken by a suitably qualified environmental consultant to determine whether past activities have impacted the site from a contamination perspective and to determine whether the site is suitable for the permitted uses. The assessment report must be reviewed and endorsed by the EPA prior to the Territory Plan being varied.”*

### Response

Noted. The Environment and Planning Directorate (EPD) will undertake the abovementioned contamination assessment prior to the draft variation being finalised.

## Heritage Council

The Heritage Council provided the following comments on 22 October 2014.

*“The ACT Heritage Council (the Council) has not yet made a decision on whether to provisionally register the Oaks Estate Village Precinct. However, the Oaks Estate Master Plan has been informed by heritage assessments undertaken by independent consultants.*

*The Council has provisionally registered The Oaks (block 15 and 16, section 2, Oaks Estate) and Robertson House (block 11 and 12 section 7, Oaks Estate).*

*ACT Heritage notes that R6 of Rule 2.1 provides for setbacks of new development on blocks adjacent to block 11 section 7, Oaks Estate. However, development on all blocks adjacent to Robertson House will be additionally restricted by trees close to the boundaries of block 11 and 12, section 7, Oaks Estate that are considered to be intrinsic to the heritage significance of Robertson House. We suggest that R6 be amended to state:*

*Building on blocks directly adjoining X in figure 1 provide a minimum 6 metre setback to the shaded side boundary.*

*Additionally, we suggest that criterion C6 be amended to state:*

*Development provides reasonable physical and visual separation to Robertson House to protect the heritage character of the site.*

*Existing trees on block 11 and 12, section 7 Oaks Estate are not significantly impacted, including any parts of trees that overhang the boundaries of the blocks.*

*Additionally, development on block 12, section 7, Oaks Estate will be further restricted by the provisional registration of Robertson House. This is likely to require retention of existing elements including the existing fowl shed and existing landscaping on that block.”*

## Response

Noted. R6 and C6 have been amended to reflect the comments provided by ACT Heritage. Area X has also been extended to include part block 12 to further protect Robertson House while still allowing development towards Railway Street and McEwan Avenue as recommended by the Oaks Estate Master Plan.

### **Land Custodian Territory and Municipal Services**

The land custodian provided the following comments on 13 October 2014.

*“Comments have previously been provided on Oaks Estate Master Plan in relation to the installation of a cycle path along the Molonglo River, due to concerns with ongoing maintenance and removal of debris after flooding. The improvement of access to the informal walking track is supported.”*

Response

Noted. The above issues are related to potential works on unleased Territory Land. As the draft variation only sets requirements for leased blocks and is only enforceable at development application stage the above comments cannot be included in this variation. These issues can be dealt with at detailed design stage for any such project.

### **Land Custodian Community Services Directorate**

The land custodian provided the following comments on 28 October 2014.

*“The Territory Plan Variation is supported. It is noted that the existing multi-unit developments retain existing height and development rights, consistent with Rules 13.3 and 13.4 of the Residential Development Code.”*

Response

Noted.

### 3. DRAFT VARIATION

#### 3.1 Variation to the Territory Plan Map

The Territory Plan map is varied as indicated in figure 3

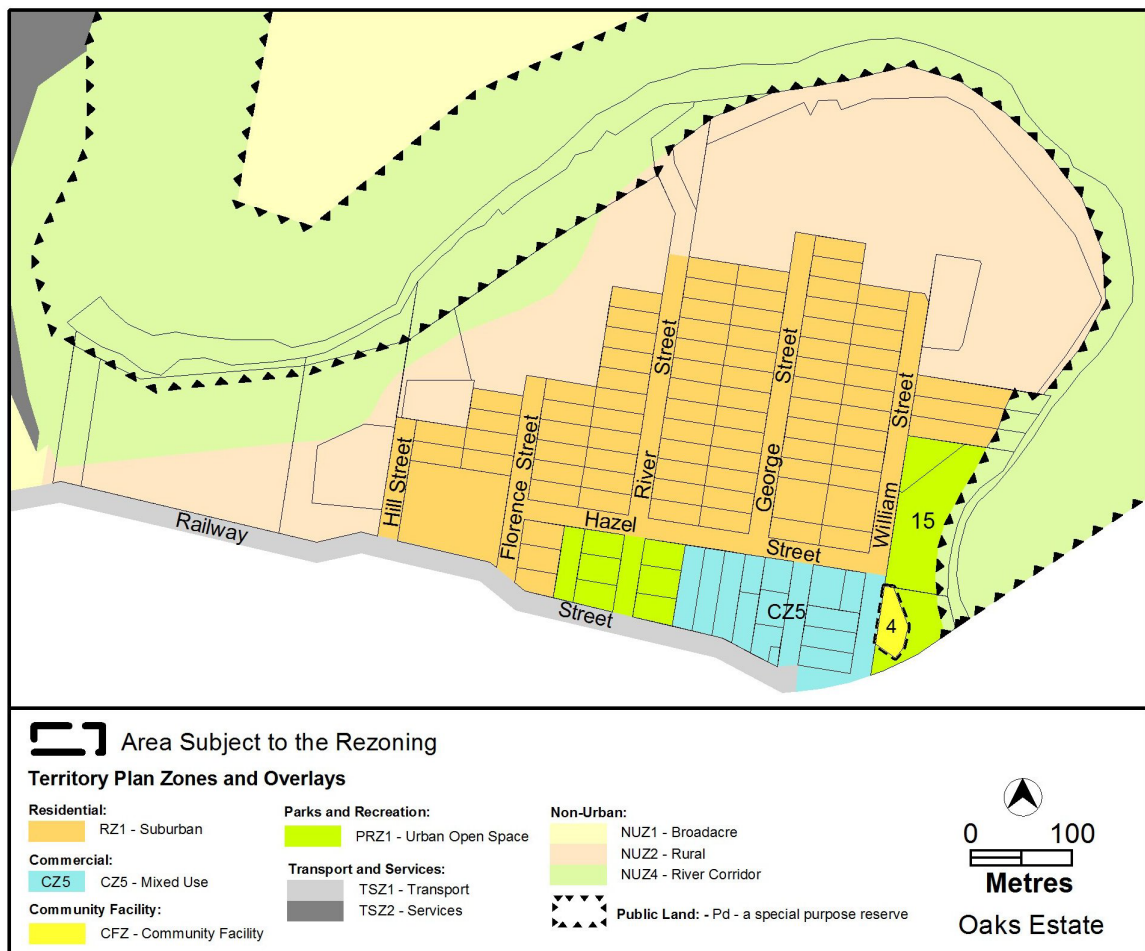


Figure 3: Proposed Territory Plan map for Oaks Estate

### **3.2 Variation to the Territory Plan written document**

The Territory Plan written document is varied as follows:

#### Variation to the Oaks Estate precinct code

<b>10. Precinct maps and codes. Oaks Estate precinct map and code</b>
---

Substitute all of the following with the nominated attachment

Oaks Estate Precinct Map and development tables – Attachment A

Oaks Estate Precinct Code, RC1 – Commercial Mixed Use Area, and

RC2 – Residential – Attachment B

## 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 telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

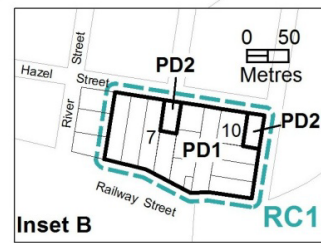
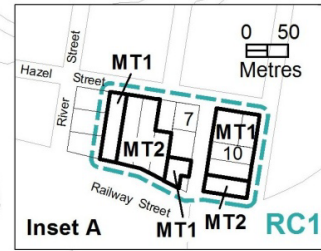
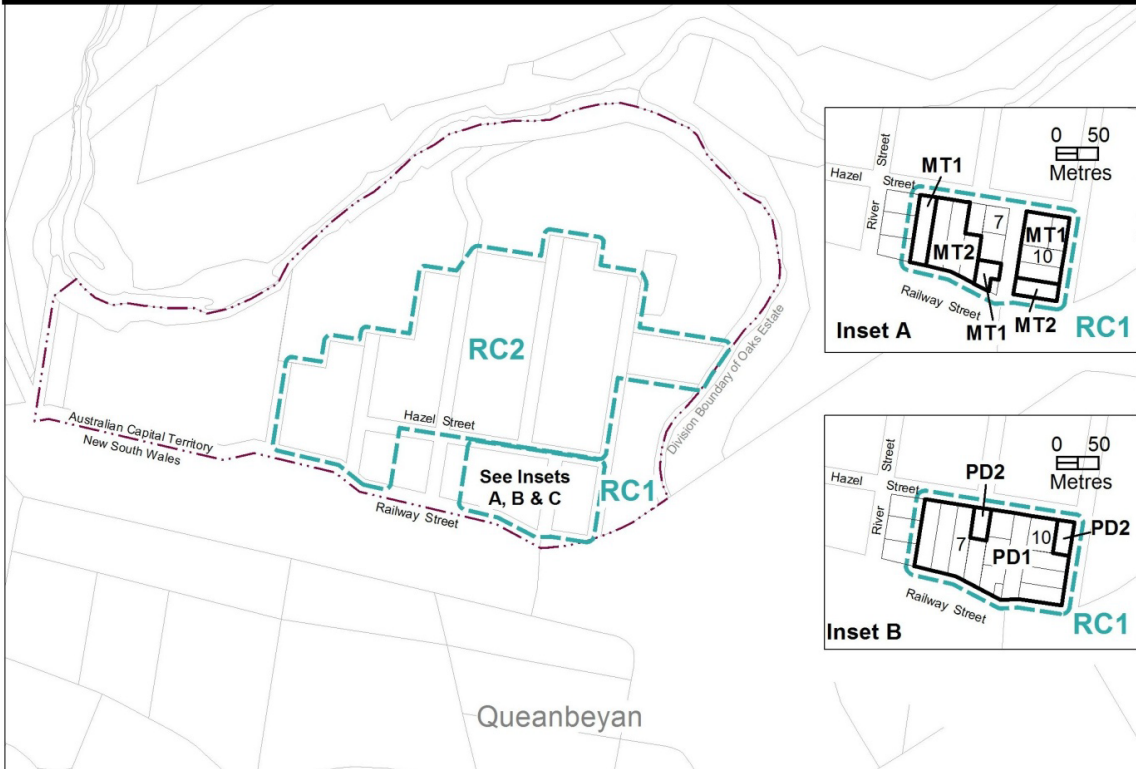
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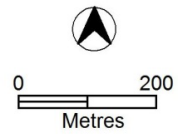
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# Oaks Estate Precinct Map



- PDn** Additional prohibited development applies see Table 1
- MTn** Additional merit track development applies see Table 2
- RCn** Additional rules and criteria apply see Oaks Estate Precinct Code



# Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Oaks Estate 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 constitute part of the relevant zone development table.

**Table 1 – Additional prohibited development**

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CZ5	hotel motel service station
PD2	CZ5	hotel motel NON RETAIL COMMERCIAL Service station SHOP restaurant

**Table 2 – Additional merit track development**

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	CZ5	craft workshop light industry warehouse
MT2	CZ5	craft workshop

## Additional rules and criteria

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

### RC1 – Commercial Mixed Use Area

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

#### Element 1: Use

Rules	Criteria
<b>1.1 Residential use</b>	
There is no applicable rule.	C1 Residential development is designed to mitigate the potential impacts on future residents from the operation of existing commercial uses.
<b>1.2 Railway Street and McEwan Avenue restrictions</b>	
R2 The following uses are only permitted where addressing Railway Street and or McEwan Avenue: a) <i>craft workshop</i> b) <i>NON RETAIL COMMERCIAL</i> c) <i>Restaurant</i> d) <i>SHOP</i> .	This is a mandatory requirement. There is no applicable criterion.

#### Element 2: Buildings

Rules	Criteria
<b>2.1 Built form</b>	
R3 The maximum <i>height of building</i> is the lesser of two storeys and 8.5 metres. Building height measurement excludes all of the following: a) roofs with a pitch not more than 36° b) roof top plant c) lift overruns d) antennas e) photovoltaic panels f) air conditioning units g) chimneys, flues and vents Minimum setback of items b) to g) from the building facade of the floor directly below is 3m.	C3 The maximum <i>height of building</i> is the lesser of three storeys and 10 metres where a development achieves all of the following: a) addresses Railway Street or McEwan Avenue b) does not restrict reasonable solar access to the main daytime living area and associated area of <i>private open space</i> of dwellings on adjoining <i>blocks</i> .

Rules	Criteria
<p>R4 Minimum front setback to Hazel Street is 4m.</p>	<p>C4 Front setbacks: a) reflect existing block patterns b) provide landscaping between the building and the front boundary.</p>
<p>R5 Minimum front setback to Railway Street, McEwan Avenue and William Street is: a) for commercial development – 0m b) for residential development – 2m.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R6 This rule applies to buildings on blocks directly adjoining area X. Buildings provide a minimum 6 metre setback to area X.</p>	<p>C6 Development achieves all of the following: a) Development provides reasonable physical and visual separation to Robertson House to protect the heritage character of the site. b) Existing trees on block 11 and 12, section 7 Oaks Estate are not significantly impacted, including any parts of trees that overhand the boundaries of the blocks.</p>
<p>R7 The minimum floor to ceiling height at ground floor level is 3.6m.</p>	<p>C7 The ground floor level of buildings is adaptable for commercial uses.</p>
<p><b>2.2 Building articulation</b></p>	
<p>R8 Maximum unarticulated street front facade length: 10m. minimum articulation depth: 1m.</p>	<p>C8 Development provides an interesting facade to the street compatible with surrounding built form.</p>
<p><b>2.3 Site coverage</b></p>	
<p>R9 Maximum site coverage: 45%.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>2.4 Vehicle parking</b></p>	
<p>R10 Vehicle parking areas are not permitted forward of the building line.</p>	<p>C10 Parking areas are screened from the street by suitable landscaping wholly contained within the leased block boundaries.</p>

Rules	Criteria
<b>2.5 Landscaping</b>	
<p>R11</p> <p>Development provides a minimum of 15% of the block area for deep root planting.</p>	<p>C11</p> <p>Development retains sufficient open space for deep root plantings wholly contained within the block boundaries.</p>
<b>2.6 Active frontage</b>	
<p>R12</p> <p>For buildings located along Railway Street or McEwan Avenue, frontages and building design comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) buildings incorporate clear display windows and shop fronts at the ground floor level</li> <li>b) buildings incorporate direct pedestrian access at grade with the verge level for access and egress for persons with disabilities.</li> </ul>	<p>C12</p> <p>Development:</p> <ul style="list-style-type: none"> <li>a) avoids extensive lengths of blank walls unrelieved by doors, windows or the like</li> <li>b) provides suitable pedestrian access.</li> </ul>



Figure 1

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## RC2 – Residential Area

This part applies to blocks and parcels identified in area RC2 shown on the Oaks Estate Precinct Map.

### Element 3: Buildings

Rules	Criteria
<b>3.1 Multi unit sites</b>	
There is no applicable rule.	C13 The redevelopment of multi unit dwelling sites respects the existing east west orientation of the blocks, and provides a built form width compatible with surrounding residential development.
R14 Maximum unarticulated street front facade length: 10m. Minimum articulation depth: 2m.	C14 Front facades of multi unit development are articulated to provide interest and ensure compatibility with the surrounding built form.

### Element 4: Site

Rules	Criteria
<b>4.1 Site coverage</b>	
R15 Maximum site coverage of <i>single dwelling blocks</i> : 35%.	This is a mandatory requirement. There is no applicable criterion.
<b>4.2 Landscaping</b>	
R16 Development provides a minimum of 15% of the block area for deep root planting.	C16 Development retains sufficient open space for deep root plantings wholly contained within the block boundaries.

## Element 5: Fencing

Rules	Criteria
<b>5.1 Front fencing</b>	
<p>R17</p> <p>Transparent fencing setback a minimum 1m to the front boundary is permitted, with a maximum height above <i>datum ground level</i> of 1.2m.</p>	<p>C17</p> <p>Fencing in front of the building line complies with the following:</p> <ul style="list-style-type: none"> <li>a) provides opportunities for passive surveillance of the street from the dwelling</li> <li>b) is compatible with the existing streetscape character</li> <li>c) is setback to allow for low level plantings in front of the fence.</li> </ul>



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Planning and Development Act 2007

**Draft**  
**Variation to the**  
**Territory Plan**  
**328**

Oaks Estate:

Zone changes and amendments to the Oaks  
Estate precinct map and code (revised)

April 2021

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

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# 1. INTRODUCTION

## 1.1 Summary of the Proposal

The revised draft variation to the Territory Plan 328 implements the recommendations of the endorsed Oaks Estate Master Plan 2014, as well as responding to concerns raised during initial public consultation undertaken in early 2015. The draft variation proposes amendments to the Oaks Estate Precinct Map and Code to provide opportunities for limited growth and change in the suburb and to preserve the history and character of Oaks Estate.

The main changes from the previously notified 2015 version of the draft variation include:

- rezoning the Commercial CZ5 Mixed Use area to Commercial CZ4 Local Centre to reflect the intended use of the area and future desired character of a small commercial area to service the needs of the local community and provide opportunities for appropriate levels of development
- permitting apartments only where located over ground floor commercial development in the commercial local centre
- limiting development within the commercial local centre to a maximum of two storeys
- introducing provisions to protect the village character including:
  - restricting site coverage of development on blocks
  - allowing for varied setbacks
  - allowing low, transparent fencing to the front boundary in the residential area where vehicle and pedestrian sightlines are maintained
  - introducing a 'statement of desired character' for the commercial area and residential area into the precinct code.

Other changes include rectifying errors in the Assessment Tracks in the Oaks Estate Precinct Map and Code for additional permitted and prohibited uses. These errors occurred during the transition from the former Territory Plan to the restructured Territory Plan in 2008.

## 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 any recommendations 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

**DD MM 20YY.**

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 provided by:

- email to [terrplan@act.gov.au](mailto:terrplan@act.gov.au)
- mail to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- hand delivery to the Access Canberra Land, Planning and Building Services Shopfront, 8 Darling Street, Mitchell ACT.

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 generally 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 document is available online at: **[www.act.gov.au/draftvariations](http://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 the 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. Please call 132281 to arrange a copy for purchase.

## **2. EXPLANATORY STATEMENT**

### **2.1 Background**

The ACT Government prepared a series of master plans for selected areas that identify the existing character and opportunities and constraints affecting each area. The master plans make recommendations for each area to protect or develop desired character while providing future development opportunities.

The Oaks Estate Master Plan, covering the suburb of Oaks Estate, was developed with input from the local community during 2012 to 2014 and endorsed by the ACT Government in November 2014. The draft variation was prepared as one of the key measures for implementing the recommendations of the Oaks Estate master plan.

The Oaks Estate master plan is accessible at:

[https://www.planning.act.gov.au/tools\\_resources/plans-registers/plans/master-plans/oaks\\_estate\\_master\\_plan](https://www.planning.act.gov.au/tools_resources/plans-registers/plans/master-plans/oaks_estate_master_plan)

A draft variation was prepared in 2015 that intended to implement the outcomes and recommendations of the Oaks Estate master plan into the Territory Plan.

#### **2.1.1 Public submissions**

Comments were initially invited from the public from 30 January 2015 till 16 March 2015. Thirty-two (32) submissions were received from local residents and others with an interest in the suburb.

The main issues raised in the public consultation relating to the draft variation were:

- concerns about proposed bulk and scale of development in the commercial area – it was suggested that apartments be prohibited and that development be limited to two storeys
- protection of the history and heritage character of the suburb – the inclusion of a range of additional rules to control the built form and reflect the desired character for the suburb were requested

Following public consultation, the draft variation was put on hold while the heritage nomination status of the suburb was considered by the ACT Heritage Council and other matters were resolved.

These issues were taken into consideration and addressed in this revised draft variation.

### **2.1.2 Historical context**

Oaks Estate is a village suburb of Canberra located to the east of the city, on the border with the New South Wales city of Queanbeyan. The area was first inhabited by Aboriginal people, including the Ngunnawal, Ngarigo and Walgalu. European history in the area began with a large estate, named 'The Oaks', established in 1837. After changing ownership numerous times, the estate was eventually subdivided into 300 building allotments in 1887. It was initially developed as part of Queanbeyan and was later amalgamated into the ACT in 1911 following the decision that the boundary should follow the railway line rather than the river.

In the early part of the 20<sup>th</sup> century, Oaks Estate was a temporary workers' settlement, housing the builders who constructed the early parts of Canberra. After World War II, migrants from Eastern Europe and the Mediterranean arrived in Oaks Estate, with many establishing home-based businesses and industries.

More detailed information about the historical background of Oaks Estate is contained in the Oaks Estate Master Plan and also in the ACT Heritage Council Statement of Reasons referred to in section 2.1.3 below.

### **2.1.3 Heritage values**

Two sites within Oaks Estate are registered on the ACT Heritage Register – being 'the Oaks' (section 2 block 15 and 16) and 'Robertsons' House' (section 7 blocks 11 and 12).

At the time the draft variation was originally released for consultation, there were a number of locations within Oaks Estate nominated for inclusion on the Heritage Register. These sites were identified as having potential heritage significance, or otherwise contributing to the character of the suburb. A number of submissions received during consultation on the draft variation were about the heritage character of Oaks Estate and the nomination of the entire suburb for inclusion on the ACT Heritage Register.

In April 2017, the ACT Heritage Council resolved not to register the nominated sites, determining that the suburb was not historically or architecturally significant enough to meet the criteria for listing.

This decision and a detailed Statement of Reasons is contained in Notifiable Instrument NI2017-173 accessible on the Legislation Register at:

<https://www.legislation.act.gov.au/View/ni/2017-173/current/PDF/2017-173.PDF>

The heritage citation for Robertsons' House includes section 7 block 11 and block 12 of Oaks Estate. Any proposal to develop surrounding sites would need to consider the heritage citation, and requirements for a buffer to the heritage site was introduced as a provision in the Oaks Estate precinct code in line with previous advice from the ACT Heritage Council. These provisions were incorporated into the 2015 public consultation version of the draft variation and are retained in this version.

#### **2.1.4 Commercial zone changes**

Some submissions contended that the existing Commercial CZ5 Mixed Use zone for the commercial area is not appropriate to the area.

The CZ5 zoning was introduced in the 2008 Territory Plan, replacing the A9 Residential Mixed Use land use policy from the previous Territory Plan. While the Oaks Estate master plan did not propose changing the CZ5 Mixed Use zone, a further review of the zone objectives and development tables concluded that the CZ4 Local Centre zone would be a more appropriate zone for the commercial area of Oaks Estate. This is because the CZ4 zone limits heights to 2 storeys and provides for a local centre to serve the needs of the community while enabling the village ambience of Oaks Estate to be maintained.

The draft variation also includes some of the recommendations of the Oaks Estate Master Plan for certain development opportunities along Railway Street. Allowable merit assessable uses are limited to those listed in the CZ4 development table and any additional permitted or prohibited uses currently listed in the precinct code. The additional permitted and prohibited uses listed in the precinct code take precedence over the CZ4 development table. The revised Oaks Estate precinct map and code is located at [Appendix 1](#) of this document. The CZ4 development table is located in the Territory Plan under section 4 Commercial Zones and can be accessed at:

<https://www.legislation.act.gov.au/ni/2008-27/Current>

Issues such as traffic generation and management, parking and streetscape character are assessed as part of a development application that will be required for any future development proposals on blocks in the CZ4 zone within Oaks Estate.

#### **2.1.5 Contamination studies**

A number of sites were identified by the Environment Protection Authority (EPA) as requiring contamination studies to be undertaken. Initial contamination assessment studies have been undertaken on unleased Territory owned blocks that are on the Government's Land Release Program.

A new provision has been added to the Oaks Estate Precinct Map and Code requiring an environmental assessment into the site's suitability from a contamination perspective to be undertaken in accordance with the ACT Contaminated Sites Environment Protection Policy and to be endorsed by the Environment Protection Authority prior to development or a change in use.

#### **2.1.6 Restrictions on uses**

The draft variation proposes to rectify errors in the uses currently listed as prohibited and/or permitted on certain blocks in the Oaks Estate precinct map and code. This anomaly occurred when the old Territory Plan was superseded by the restructured Territory Plan in 2008.

Light industrial use will be restricted to the blocks where it is already a permitted use in a lease, and some uses will either be prohibited or restricted in accordance with the master plan recommendations. As a result of the change of zone from CZ5 to CZ4, some allowable uses in the CZ4 zone will also be prohibited in the relevant tables as these are considered to be incompatible with the village character of Oaks Estate.

The 35% site coverage restriction for residential blocks proposed in the precinct code is in line with the recommendations of the master plan. This will enable the retention of substantial areas of open space on residential blocks for deep root planting, whilst allowing a moderate developable area for a dwelling and other structures.

Some additional provisions are proposed for the residential area of Oaks Estate to maintain its village character. These provisions are included in the precinct code under the new 'RC2 – Residential Area' sub-precinct (see [Appendix 1](#)). The provisions include controls on the redevelopment of multi-unit sites, site coverage restrictions, landscaping requirements for deep root plantings, and allowances for front fencing.

Other controls applying to residential development are contained in the Single Dwelling Housing Development Code and Multi-Unit Housing Development Code in the Territory Plan. These codes can be found at parts 3.3 and 3.4 of the Territory Plan respectively: <https://www.legislation.act.gov.au/ni/2008-27/Current>

By way of explanation, if the codes contain provisions which are inconsistent with each other, a precinct code, such as the Oaks Estate precinct map and code provisions takes precedence over a development code (in accordance with the hierarchy of codes specified in the *Planning and Development Act 2007*).

### **2.1.7 Views and rural surrounds**

Views and vistas are protected by existing street alignments, a maximum two storey building height limit and existing zone development controls in the Non-Urban Zone development code. The rural surrounds are also protected from inappropriate development through the Non-Urban Zone development code.

### **2.1.8 Future development and desired character**

There are a number of changes proposed in the draft variation responding to concerns about the nature of future development and protecting the village character. These include:

- retaining the two storey maximum building height in the commercial area
- limiting new apartments in the commercial area to only be permitted where located above ground floor commercial use
- rezoning the commercial area from CZ5 Mixed Use zone, which permits a wide range of uses with limited controls, to CZ4 Local Centre zone, which permits uses that are more appropriate for a small commercial area to serve local residents
- encouraging new commercial uses, where permitted, to address Railway Street and/or McEwan Avenue and provide active frontages to these streets where possible, such as shop fronts, entrances, windows and the like
- introducing a 'statement of desired character' for the commercial area and residential area into the precinct code.

### **2.1.9 ACT Government Land Release Program**

There are a number of vacant, unleased blocks in Oaks Estate that are on the Government's Indicative Land Release Program for 2021-2022. These are:

- Residential: Blocks 1,2, and 3 Section 5; Blocks 14 and 15 Section 11 and Block 31 Section 8 Oaks Estate
- Commercial: Blocks 5,6 and 9 Section 7 Oaks Estate

The EPSDD Development and Implementation Division has completed the due diligence studies on the sites (including contamination reports for the commercial sites) to prepare them for sale. The draft variation has interim effect so the proposed provisions in the Oaks Estate Precinct Map and Code will apply to the blocks to be sold.

## 2.2 Site Description

The subject area is located between the Molonglo River to the north, the Queanbeyan River to the east and the ACT/NSW border to the south and is directly adjacent to the NSW township of Queanbeyan. The residential area predominantly contains single dwellings, with a number of two to four storey multi-unit developments. The compact commercial area is generally single storey, with some bulkier industrial buildings, and several undeveloped blocks.

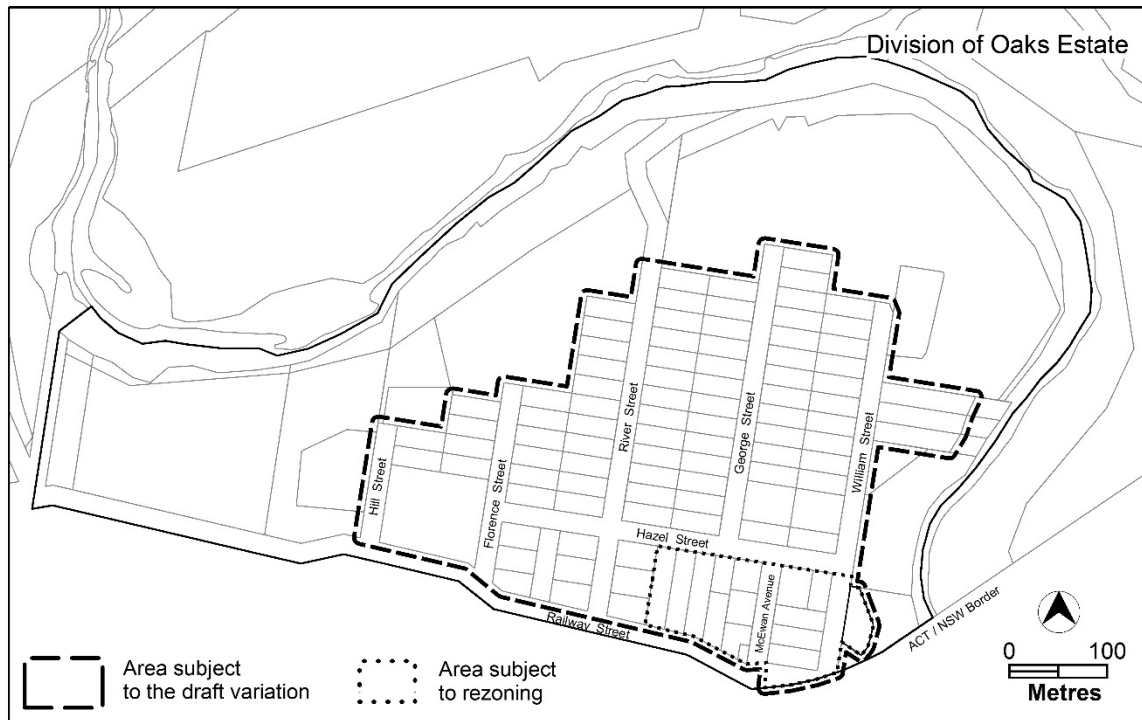
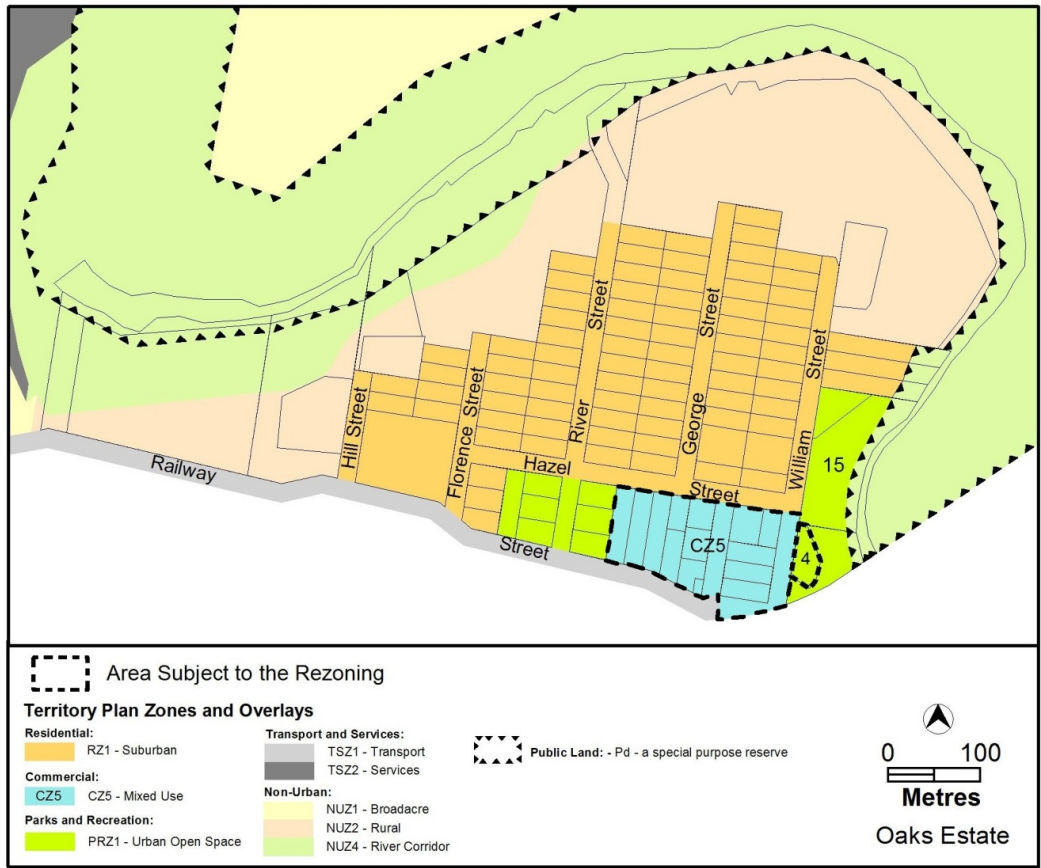


Figure 1: Location map and area subject to the variation and rezoning

## 2.3 Current Territory Plan Provisions

The Territory Plan Map zones for the area subject to this draft variation are shown in Figure 2. Oaks Estate is primarily zoned Residential RZ1 Suburban area, with Commercial CZ5 Mixed Use and Parks and Recreation PRZ1 Urban Open Space zones to the south and east. To the north of the RZ1 residential area is the Non Urban NUZ2 Rural zone and NUZ4 River Corridor zone, which contains the Molonglo River and Queanbeyan River corridors.

The Oaks Estate precinct map and code applies to the subject area, as well as various development codes in the Territory Plan applicable to the residential, commercial, urban open space and non-urban zones. Various general codes may also apply for specific types of development.



**Figure 2: Current Territory Plan Zones Map**

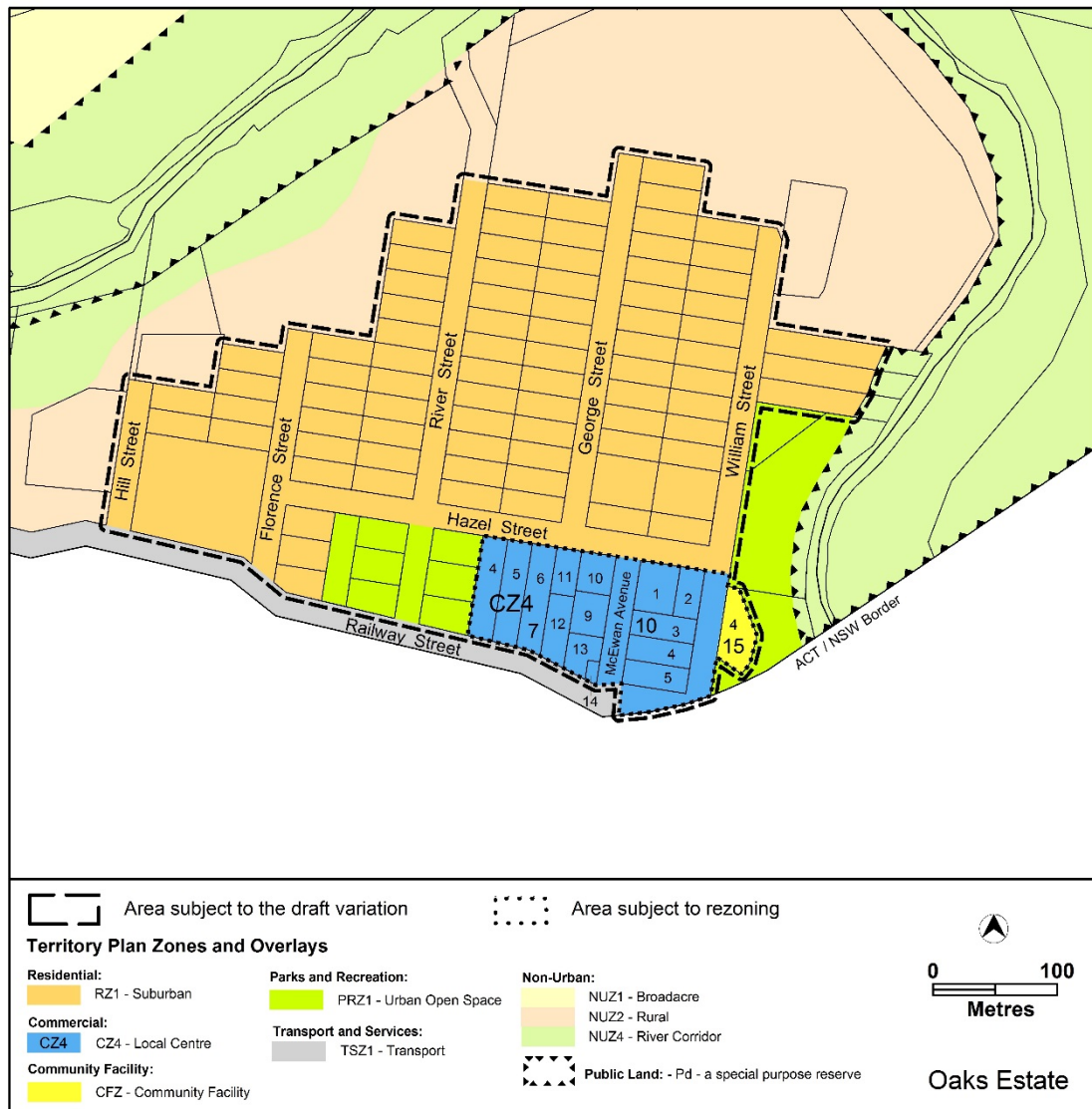
## 2.4 Proposed Changes

### 2.4.1 Proposed Changes to the Territory Plan Map

The proposed changes to the Territory Plan Map are indicated in Figure 3 below and Figure 4 at Part 3 of this document and are detailed as follows:

- rezone the block containing the community hall from Parks and Recreation PRZ1 Urban Open Space zone to CFZ Community Facility zone to reflect the existing use of the site being community use
- rezone the Commercial CZ5 Mixed Use zone to CZ4 Local Centre zone to reflect that the commercial area should function as a local centre to mainly serve the residents of Oaks Estate.

The draft variation map indicates the proposed zone boundaries as accurately as possible but may be subject to adjustments following detailed surveys.



**Figure 3: Proposed changes to the Territory Plan Map**

## 2.4.2 Proposed Changes to Territory Plan

It is proposed to amend the Oaks Estate Precinct Map and Code as follows:

- allow light industry, industrial trades and warehouses only on blocks where these uses are already allowed in the lease
- permit shops, non-retail commercial use (such as offices), small-scale craft workshops and restaurants where located adjacent to and addressing Railway Street and/or McEwan Avenue
- prohibit indoor entertainment facilities, service stations and veterinary hospitals in the commercial area
- prohibit apartments in the commercial area, except where located over ground floor commercial development

- require parking in the commercial area to be behind the building line, or screened with landscaping
- require articulation of commercial building facades, with front setbacks to reflect the existing block patterns and character of the commercial area
- permit low transparent fencing in front of the building line in the residential area, whilst protecting vehicle and pedestrian sightlines
- introduce site coverage restrictions on commercial blocks and single dwelling housing blocks in the residential area and provide space for deep root planting areas as part of any new development
- introduce provisions to protect the heritage values of Robertson's House on Section 7 Blocks 11 and 12 Oaks Estate

## **2.5 Reasons for the Proposed Draft Variation**

The reasons for the draft variation are

- to implement the recommendations which relate to the Territory Plan provisions of the Oaks Estate master plan
- to provide new opportunities for limited growth and change while maintaining the history and character of Oaks Estate, its setting and association with the Molonglo and Queanbeyan rivers
- to respond to concerns raised by the Oaks Estate community in the previous consultation on the draft variation, including changes to the zoning of the commercial centre, restrictions on future commercial development, and protecting the desired character of the suburb by introducing suburb-specific provisions
- to rectify errors in the uses listed as prohibited and/or permitted on certain blocks in the Oaks Estate Precinct Map and Code

## **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 required 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.

#### *1.9 Urban expansion will be contained in order to minimise impacts on valuable natural and rural areas*

The draft variation is consistent with this requirement as it retains the existing limit of development within Oaks Estate to protect the river corridor and rural agricultural area from development pressure and will enable sites within the estate to be released for development.

#### *1.25 Heritage and cultural values will be safeguarded, including in particular those of the Territory's Aboriginal peoples and those derived from both its rural history and urban development as the National Capital. The distinctive qualities of residential areas and other places, as well as elements of community heritage, will also be recognised and their conservation promoted.*

This principle is met through the protection of the distinctive character of the land by constraining the level of development permitted and encouraging limited levels of development restricted to the commercial area. The heritage aspects of the area are protected through heritage registration and citations approved under the ACT's *Heritage Act 2004*.

Provisions in the precinct code for Oaks Estate have been amended to reflect the comments provided by ACT Heritage by requiring greater building setbacks on blocks adjacent to the block containing Robertsons' House, a heritage registered site. This is to make sure that development provides reasonable physical and visual separation to Robertsons' House to protect the heritage character of the site, and protect existing trees associated with the heritage site. 'Area A' – the Robertson's House site shown in Figure 1 in the precinct code – has also been extended to include part of Block 12 (to the south of Robertson's House) to further protect the heritage values of the Robertsons' House site while still allowing development towards Railway Street and McEwan Avenue as recommended by the master plan.

*2.16 Retention of Canberra's unique landscape setting, including the integration of natural and cultural elements that create its 'garden city' and 'bush capital' qualities, will be accorded the highest priority. Special attention will be given to safeguarding visual amenity, protecting vegetation and other important features within the established urban landscape, and ensuring the high quality of environmental design in new developments or redevelopment.*

The draft variation complies with this principle through the protection of the character of the area, including limits on building heights and measures to reflect the existing built form, to reduce potential impacts on the physical and visual character of the area.

### **ACT Planning Strategy 2018**

The draft variation is consistent with the ACT Planning Strategy 2018, specifically Strategic Direction 4 Liveable Canberra:

- *Section 4.3 Strengthen neighbourhoods and support their diverse character by creating strong local activity hubs.*

The draft variation proposes to implement the recommendations and directions of the Oaks Estate Master Plan and incorporate the outcomes from previous public consultation to support the preservation of the unique characteristics of the estate and support the development of a strong and active local centre for the suburb.

The ACT Planning Strategy 2018 can be viewed at:

[https://www.planning.act.gov.au/\\_\\_data/assets/pdf\\_file/0007/1285972/2018-ACT-Planning-Strategy.pdf](https://www.planning.act.gov.au/__data/assets/pdf_file/0007/1285972/2018-ACT-Planning-Strategy.pdf)

## 2.7 Interim Effect

Section 65 of the *Planning and Development Act 2007* applies to the draft variation. This means that the provisions of Draft Variation 328 have interim effect and apply to development applications lodged on or after **dd Month Year**.

During the period of interim effect the ACT Government must not do or approve anything that would be inconsistent with the Territory Plan as if it were amended by the draft variation.

Interim effect will end on the day the earliest of the following happens:

- i. the day the public availability notice under section 70 for the draft variation being recommended to the Minister is notified in accordance with the Legislation Act
- ii. the day the draft variation, or the corresponding variation, is withdrawn under section 68 (1)(b) or section 76 (3)(b)(v)
- iii. 1 year after the date of the consultation notice.

## 2.8 Consultation with Government Agencies

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
- 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 11 November 2019:

*“The proposed land uses and variations are not inconsistent with the Urban Areas policy of the National Capital Plan. The NCA has no further comment.”*

### Response

Noted.

## **Conservator of Flora and Fauna**

The Conservator of Flora and Fauna made the following comments on 15 November 2019:

*“In accordance with Section 61(b) of the Planning and Development Act 2007 I advise that I have examined Draft Variation No 328 Oaks Estate (revised). I support the Draft Variation and have no comment.”*

### Response

Noted.

## **Environment Protection Authority**

The Environment Protection Authority provided the following comments on 3 March 2021:

*“Thank you for the opportunity to review and provide comment on the Draft Variation 328: Oaks Estate (revised) to implement to changes recommended in the Master Plan for the Oaks Estate precinct.*

*The Environment Protection Authority has reviewed the documentation and supports the draft variation.”*

### Response

Noted.

## **Heritage Council**

The Heritage Council provided the following comments on 4 November 2019:

### **Background:**

*“On 29 October 2019 the ACT Heritage Council was referred a Draft Variation to the Territory Plan (DV328) incorporating the recommendations of the endorsed Oaks Estate Master Plan, and community consultation into the existing Oaks Estate Precinct Map and Code (the Precinct Code).*

*DV328 proposes the following changes to the Precinct Code: rezone the commercial CZ5 mixed use area to commercial CZ4 local centre to service the needs of the local community; permit apartments only where located over commercial development in the commercial local centre; limit development within the commercial local centre to two storeys; introduce provisions to protect the village character of Oaks Estate; and rectify errors in the Assessment Tracks.*

*The ‘Oaks Estate Precinct’ in the Precinct Code contains one place which is registered on the ACT Heritage Register, the ‘Robertsons’ House’ at Blocks 11 and 12, Section 7, Oaks Estate. Another registered heritage place, ‘The Oaks’, is*

*located on Blocks 16, 19 and 22, Section 2, Oaks Estate, immediately adjacent to the 'Oaks Estate Precinct'.*

*Robertsons' House is located in the proposed CZ4 zone, where development will be limited to 2 storeys with a focus of community facilities. Criteria C10a requires that development adjacent to Blocks 11 and 12 also maintain physical and visual separation from Robertsons' House. These proposed changes will help to promote a village centre with a buffer zone to retain a context appropriate to Robertsons' House.*

*The Council appreciates that the land adjacent to 'The Oaks' will remain zoned as RZ1 suburban residential, retaining the historic context for the place; and Criteria C10b requires that the existing trees on The Oaks block are not significantly impacted by adjacent development.*

**Advice:**

*In light of the above, the Council raises no objection to DV328, and Heritage Act 2004 approvals are not required to implement the proposed planning variation."*

Response

Noted.

**Land Custodian Territory and Municipal Services**

The land custodian provided the following comments on 22 November 2019:

*"TCCS supports Draft Variation 328: Oaks Estate (revised)."*

Response

Noted.

**Land Custodian Community Services Directorate**

The land custodian provided the following comments on 30 October 2019:

*"Nil comment from Housing ACT."*

Response

Noted.

### 3. DRAFT VARIATION

#### 3.1 Variation to the Territory Plan Map

The Territory Plan map is varied as indicated in figure 4

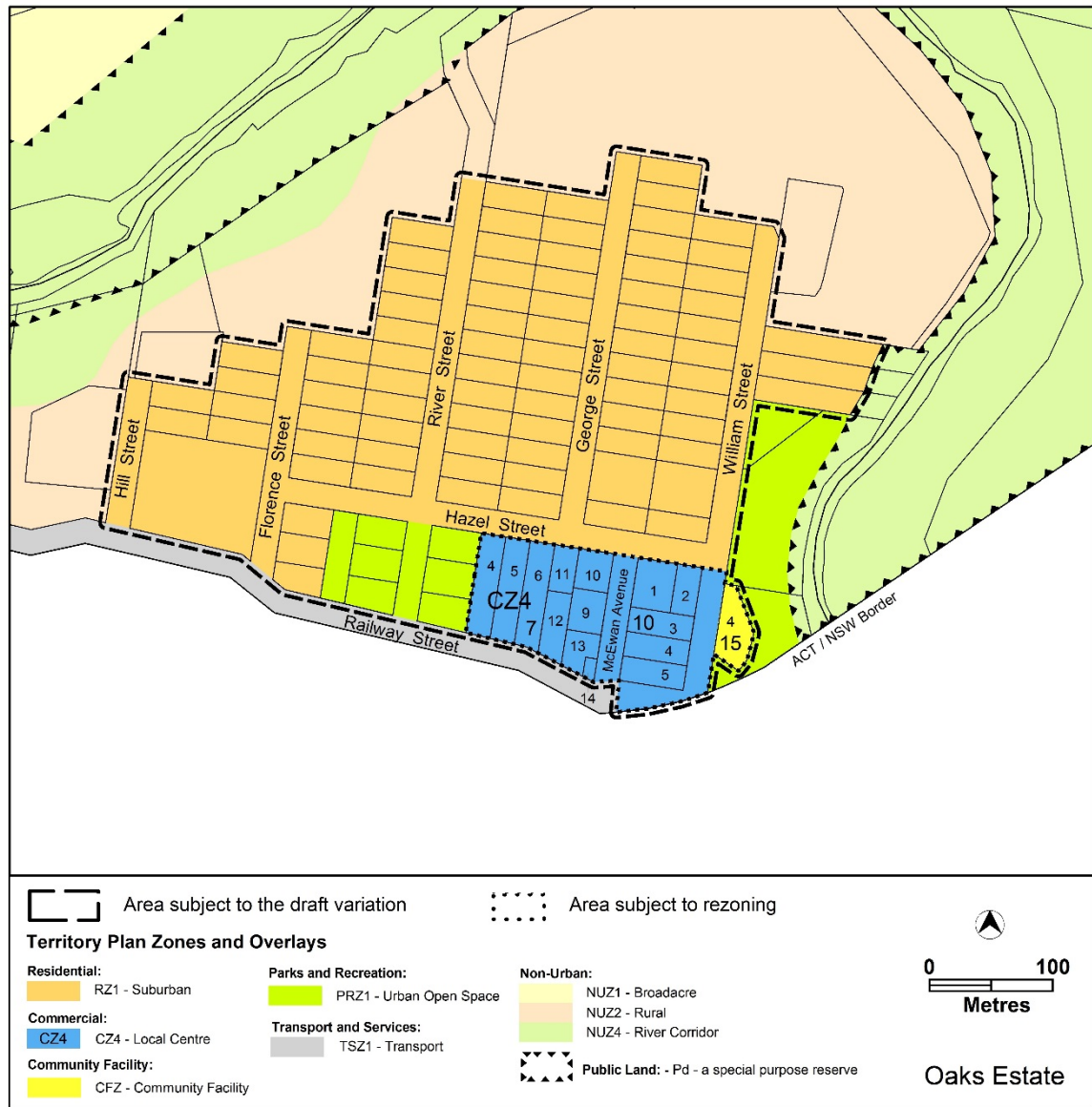


Figure 4: Proposed Territory Plan Map for Oaks Estate

### **3.2 Variation to the Territory Plan**

The Territory Plan written document is varied as follows:

Variation to the Oaks Estate precinct code

**Part 10. Precinct Maps and Codes; Oaks Estate Precinct Map and Code**

*Substitute*

The Oaks Estate Precinct Map and Code – Appendix 1

## 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-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	Ako vam je potrebna pomoć prevodioca telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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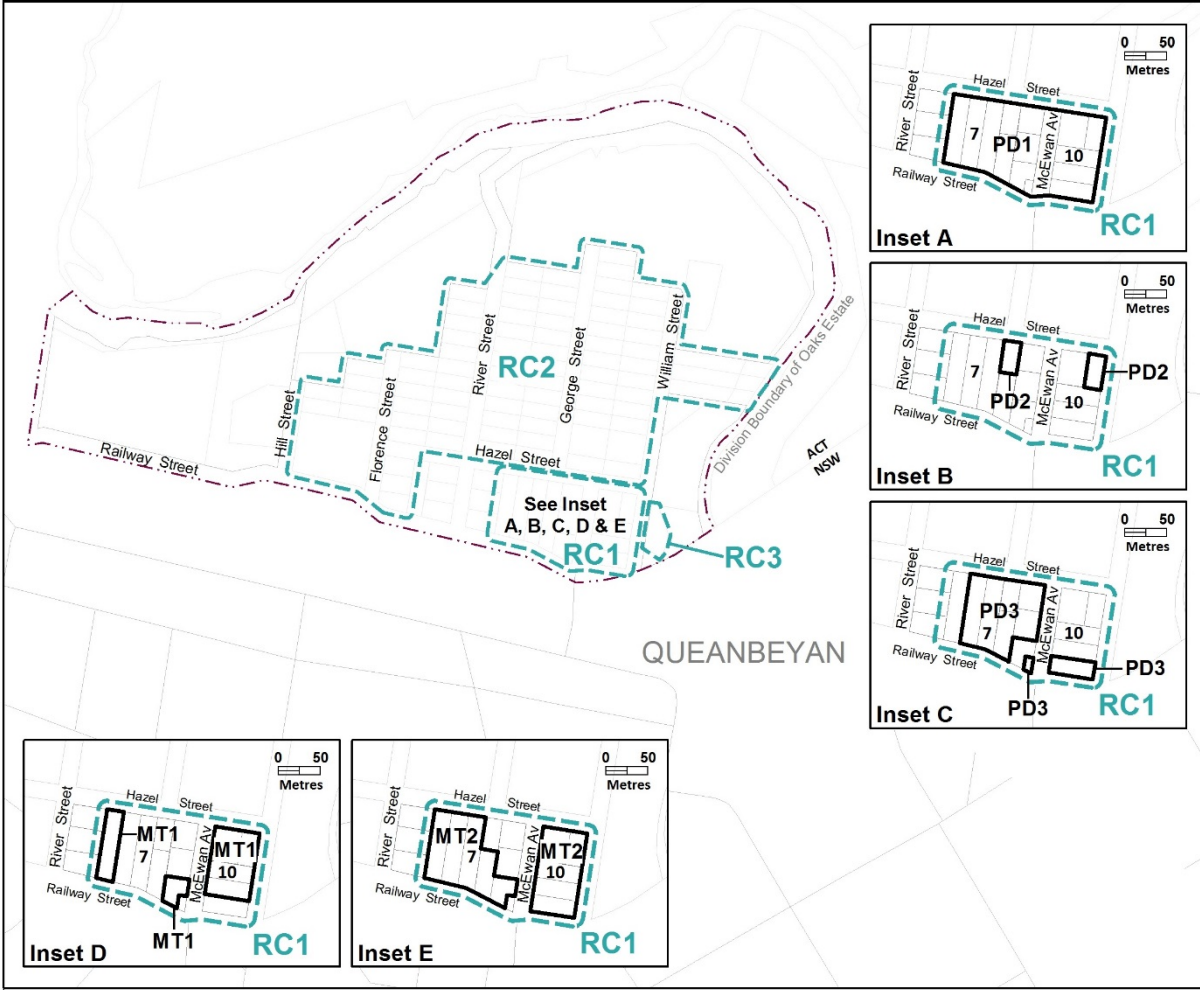
**ACT**  
Government

Environment, Planning and  
Sustainable Development

# Oaks Estate Precinct Map and Code

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# Oaks Estate Precinct Map



**PD<sub>n</sub>**

Additional prohibited development applies see Table 1

**MT<sub>n</sub>**

Additional merit track development applies see Table 2

**RC<sub>n</sub>**

Additional rules and criteria apply see Oaks Estate Precinct Code



0 200  
Metres

# Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Oaks Estate 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 constitute part of the relevant zone development table.

**Table 1 – Additional prohibited development**

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	CZ4	<i>indoor entertainment facility industrial trades service station veterinary hospital</i>
PD2	CZ4	<i>restaurant SHOP</i>
PD3	CZ4	<i>light industry industrial trades</i>

**Table 2 – Additional merit track development**

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	CZ4	<i>warehouse</i>
MT2	CZ4	<i>craft workshop</i>

# Oaks Estate Precinct Code

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# Introduction

## Name

The name of this code is **Oaks Estate Precinct Code**.

## Application

The code applies to the Division of Oaks Estate.

## 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” is 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.

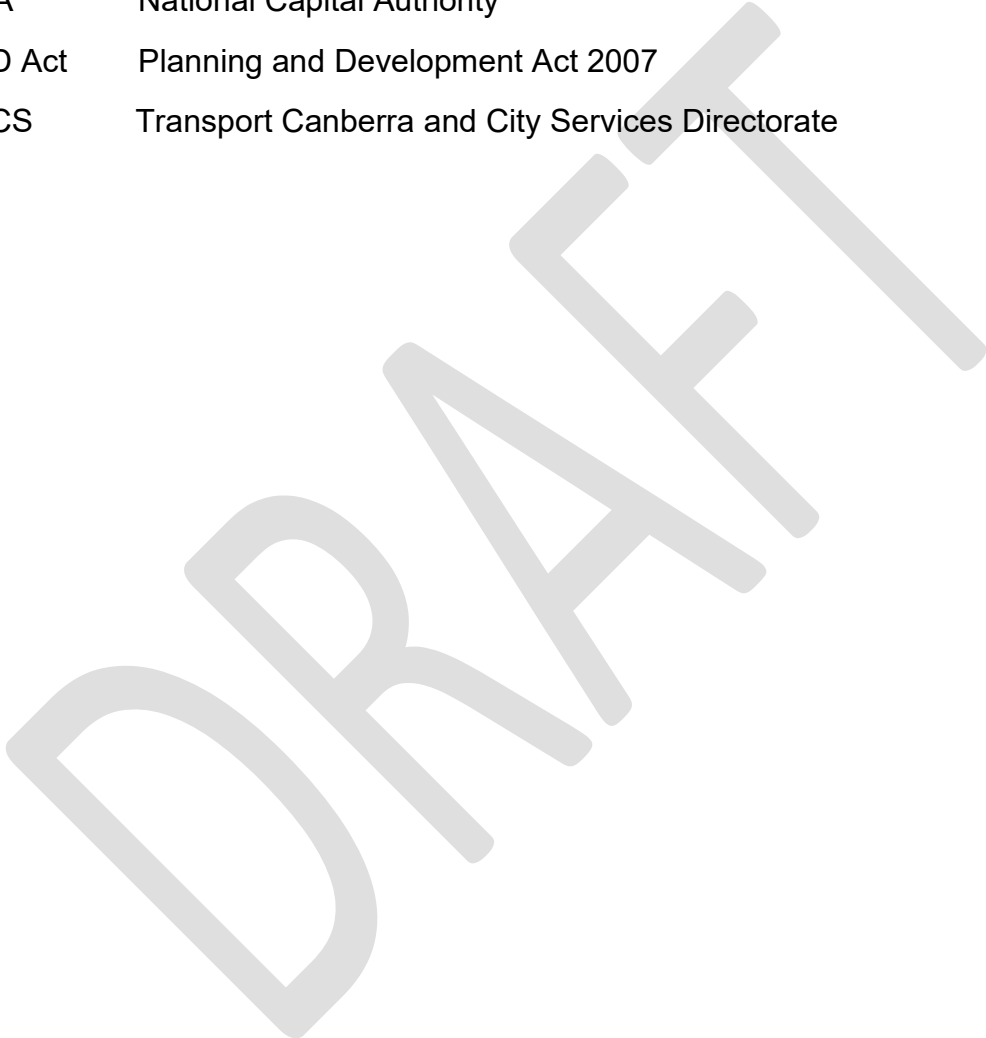
## Definitions

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, associated with the respective rule.

**Acronyms**

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



## Additional rules and criteria

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

### RC1 – Commercial Local Centre

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

#### Desired character

- small scale business opportunities providing services for the local community
- facades are articulated to provide interest to the street frontage
- development addresses each street frontage with pedestrian entrances and/or windows to shops or habitable rooms at the ground level, with upper floor level balconies to one or more habitable rooms
- residential development provides interest through articulation, pitched roofs and use of materials reflective of existing surrounding residential development

#### Element 1: Use

Rules	Criteria
<b>1.1 Residential use</b>	
There is no applicable rule.	C1 Residential development is designed to mitigate the potential impacts on future residents from the operation of existing commercial uses.
R2 <i>Apartments</i> are only permitted at the second storey, and only where located directly above ground floor commercial development.	This is a mandatory requirement. There is no applicable criterion.
There is no applicable rule.	C3 Residential development is permitted to replace commercial / retail uses provided that the centre remains commercially viable after the proposed development.
<b>1.2 Railway Street and McEwan Avenue restrictions</b>	
R4 The following uses, where permitted, are located adjacent to and addressing Railway Street and/or McEwan Avenue: a) <i>craft workshop</i> b) <i>NON RETAIL COMMERCIAL</i>	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
c) <i>Restaurant</i> d) <i>SHOP</i> .	
<b>1.3 Restrictions on use</b>	
R5 The maximum <i>gross floor area</i> of <i>SHOP</i> where permitted is: 200m <sup>2</sup>	This is a mandatory requirement. There is no applicable criterion.
<b>1.4 Contamination</b>	
R6 An environmental assessment into the site's suitability from a contamination perspective must be undertaken in accordance with the ACT Contaminated Sites Environment Protection Policy and be endorsed by the Environment Protection Authority prior to development or a change in use.  This rule does not apply if the Environment Protection Authority has provided written advice that the site has been assessed for contamination to its satisfaction.	This is a mandatory requirement. There is no applicable criterion.

## Element 2: Buildings

Rules	Criteria
<b>2.1 Built form</b>	
R7 The maximum <i>height of building</i> is the lesser of two storeys and 8.5 metres. Building height measurement excludes all of the following: a) roofs with a pitch not more than 36° b) roof top plant c) lift overruns d) antennas e) photovoltaic panels f) air conditioning units g) chimneys, flues and vents Minimum setback of items b) to g) from the building facade of the floor directly below is 3m.	This is a mandatory requirement. There is no applicable criterion.
R8	C8

Rules	Criteria
Minimum front setback to Hazel Street is 4m.	Front setbacks: a) reflect existing block patterns b) provide landscaping between the building and the front boundary c) are consistent with the <i>desired character</i> .
R9 Minimum front setback to Railway Street, McEwan Avenue and William Street is: a) for commercial development – 0m b) for residential development – 2m.	This is a mandatory requirement. There is no applicable criterion.
R10 This rule applies to buildings on blocks directly adjoining area A in Figure 1. Buildings provide a minimum 6m setback to area A.	C10 Development achieves all of the following: a) Development provides reasonable physical and visual separation to Robertsons' House to protect the heritage character of the site. b) Existing trees on section 7 blocks 11 and 12 Oaks Estate, are not significantly impacted, including any parts of trees that overhang the boundaries of the blocks.
<b>2.2 Building design</b>	
R11 Maximum length of unarticulated street front facade is 10m Minimum articulation depth: 2m	C11 Development provides an interesting facade to the street compatible with surrounding built form.
<b>2.3 Site coverage</b>	
R12 Maximum <i>site coverage</i> : 45%.	This is a mandatory requirement. There is no applicable criterion.
<b>2.4 Vehicle parking</b>	
R13 Vehicle parking areas are located behind the front <i>building line</i> .	C13 Parking areas are screened from the street by suitable landscaping wholly contained within the leased block boundaries.

Rules	Criteria
<b>2.5 Landscaping</b>	
<p>R14</p> <p>Development provides a minimum of 15% of the block area for deep root planting.</p>	<p>C14</p> <p>Development retains sufficient open space for deep root plantings wholly contained within the block boundaries.</p>
<b>2.6 Active frontage</b>	
<p>R15</p> <p>This rule applies to commercial development located along Railway Street and/or McEwan Avenue.</p> <p>Frontages and building design comply with all of the following:</p> <ul style="list-style-type: none"> <li>a) buildings incorporate clear display windows and shop fronts at the ground floor level</li> <li>b) buildings incorporate direct pedestrian access at grade with the verge level for access and egress for persons with disabilities.</li> </ul>	<p>C15</p> <p>Development:</p> <ul style="list-style-type: none"> <li>a) avoids extensive lengths of blank walls unrelieved by doors, windows or the like</li> <li>b) provides suitable pedestrian access for persons with disabilities.</li> </ul>
<p>R16</p> <p>This rule applies to residential development located along Railway Street, Hazel Street and/or McEwan Avenue.</p> <p>Ground floor street frontages and building design includes windows to habitable rooms.</p> <p>Street frontages above ground floor include windows to habitable rooms and/or balconies addressing the street.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

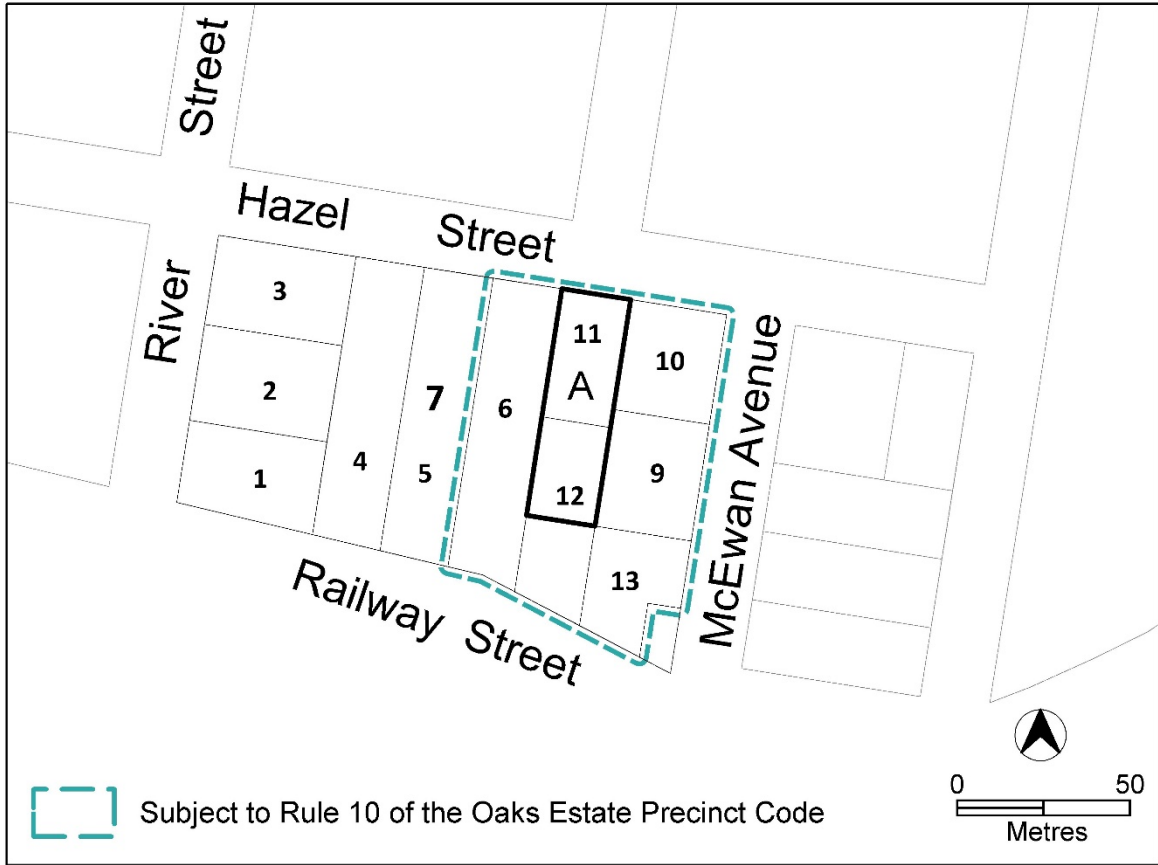


Figure 1 – Area A Robertson’s House

## RC2 – Residential Area

This part applies to blocks and parcels identified in area RC2 shown on the Oaks Estate Precinct Map.

### Desired character

- front boundary setback for development on single dwelling blocks reflect the existing varied setbacks in the area
- front fences reflect the existing character of the area, provide opportunities for views into and out of the site and ensure safe vehicle and pedestrian movement

### Element 3: Buildings

Rules	Criteria
<b>3.1 Multi-unit sites</b>	
There is no applicable rule.	C17 The redevelopment of multi unit dwelling sites respects the existing east-west orientation of the blocks and provides a built form width compatible with surrounding residential development.
R18 Maximum unarticulated street front facade length: 10m Minimum articulation depth: 2m	C18 Front facades of multi unit development are articulated to provide interest and ensure compatibility with the surrounding built form.

### Element 4: Site

Rules	Criteria
<b>4.1 Site coverage</b>	
R19 Maximum site coverage of <i>single dwelling blocks</i> : 35%.	This is a mandatory requirement. There is no applicable criterion.
<b>4.2 Landscaping</b>	
R20 Development provides a minimum of 15% of the block area for deep root planting.	C20 Development retains sufficient open space for deep root plantings wholly contained within the block boundaries.
<b>4.3 Front setbacks</b>	
There is no applicable rule.	C21 Front setbacks can differ in depth but must be consistent with the existing variations.

## Element 5: Fencing

Rules	Criteria
<b>5.1 Front fencing</b>	
<p>R22</p> <p>Transparent fences setback a minimum 1m to the front boundary are permitted, with a maximum height above <i>datum ground level</i> of 1.2m.</p> <p>Note: for the purposes of this rule, transparent fences has the same meaning as in the <i>Residential Boundary Fences General Code</i>.</p>	<p>C22</p> <p>Fencing setback to the front boundary may be reduced to 0m where it complies with all of the following:</p> <ul style="list-style-type: none"> <li>a) provides opportunities for passive surveillance of the street from the dwelling</li> <li>b) is compatible with the <i>desired character</i></li> <li>c) does not obstruct sight lines for vehicles and pedestrians on verge areas in accordance with Australian Standard AS2890.1- <i>Off-Street Parking</i>.</li> </ul>

## RC3 – Community Hall

This part applies to blocks and parcels identified in area RC3 shown on the Oaks Estate Precinct Map.

## Element 6: Use

Rules	Criteria
<b>6.1 Contamination</b>	
<p>R23</p> <p>An environmental assessment into the site's suitability from a contamination perspective must be undertaken in accordance with the ACT Contaminated Sites Environment Protection Policy and be endorsed by the Environment Protection Authority prior to development or a change in use.</p> <p>This rule does not apply if the Environment Protection Authority has provided written advice that the site has been assessed for contamination to its satisfaction.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

12 August 2021

ACT Government  
Territory Plan Section  
Environment, Planning and Sustainable Development Directorate  
GPO Box 158  
Canberra ACT 2601

E: [terrplan@act.gov.au](mailto:terrplan@act.gov.au)

Dear Sir/ Madam,

### **QPRC Comment – Territory Plan Draft Variation 328 – Oaks Estate**

Thank you for the opportunity to comment on proposed draft variation 328 of the Territory Plan (Oaks Estate).

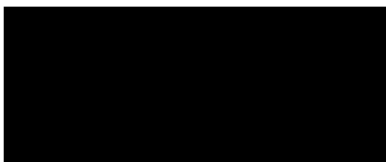
Council has reviewed the draft variation and is supportive of the proposed draft amendment which will achieve the objectives of:

- Implementing the Oaks Estate Master Plan;
- Ensure an appropriate mix of residential and commercial development in the locality;
- Maintaining and enhancing the character and amenity of the locality; and
- Ensuring commercial development is at an appropriate scale and meets the needs of the local residents.

Council considers that the draft variation will have a positive impact on the local environment.

Should you wish to discuss the above comments in further detail please contact either M/s Beate Jansen or the undersigned on 6285 6105.

Yours sincerely,



**Service Manager, Land-Use Planning  
Queanbeyan-Palerang Regional Council**

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W: [www.qprc.nsw.gov.au](http://www.qprc.nsw.gov.au)  
E: [council@qprc.nsw.gov.au](mailto:council@qprc.nsw.gov.au)

ABN 95 933 070 982

I make the following comments about proposed Draft Variation 328:

1. I strongly support the proposed limit on site coverage in the RZ1 area. Controls on plot ratio<sup>1</sup> and landscaping will not be enough to protect Oaks Estate from intrusive new residential redevelopment. Our suburb needs planning rules that will keep space for things other than houses: reasonable-sized sheds, vegetable gardens, big trees and poultry yards. These have always been a feature of residential blocks in Oaks Estate.

2. I strongly support the proposal to allow front fences on residential blocks. Front fences were a feature of the original streetscape and remain so for the older houses. However, the proposed 1 metre setback is not necessary and does not match the way front fences have always been used in this suburb. Also, the proposed height limit of 1.2 metres is too restrictive: the limit should be 1.5 metres.

3. The proposal for RC1 should be amended:

a) to allow parking between the property line and the street, but *only* in the areas directly in front of or beside the existing corner store and liquor store.

While parking between the property line and the street is not normally desirable, the existing corner and liquor stores have been allowed to develop without an adequate planning framework and have come to depend on currently illegal parking. On-street parking in front of or beside those businesses restricts vision at the intersection of Railway St and McEwan Av and must not be allowed on safety grounds. However, the existing businesses should not be made to pay the cost of this by having their current (albeit illegal) customer parking entirely removed.

b) In addition, and for the same reasons, at least part of block 9, section 7 should be expressly zoned for parking for customers of the existing corner shop and liquor store. The land needed for this should *not* be sold, nor should it be considered as available to meet the parking requirements of development on other blocks in the proposed CZ4 area. Contrary to what is said at page 6 of the consultation document in section 2.1.4, the existing parking needs of the liquor store and corner store cannot be met if they are considered only as part of future development applications.

4. I strongly support the proposed PRZ1 zoning of land between Hazel and Railway Streets. Too much medium density residential development has already occurred under past planning rules and Oaks Estate now needs to keep sufficient urban open space, as is now proposed for PRZ1. The urban open space should also be protected from use as overflow parking for the adjoining CZ4 area.

---

<sup>1</sup> NB: any criticism of the proposed site coverage limit may be partly due to residents who do not understand the difference between site coverage limits and existing limits on plot ratio. Such confusion was noticeable at a public meeting called to consider the previous version of the draft variation.

**From:** [REDACTED]  
**To:** [Terrplan](#)  
**Cc:** [REDACTED]  
**Subject:** Oaks Estate - Draft Variation 328 (DV328)  
**Date:** Monday, 30 August 2021 7:02:33 PM

---

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

Thank you for providing the opportunity to comment on the future plans of Oaks Estate.

I am writing on behalf of the owners of [REDACTED]

being, [REDACTED]

We all strongly object to the CZ5 Mixed Use Zone being reclassified to CZ4 Local Centre Zone.

This will dramatically, unfairly and unnecessarily reduce the value of our block of land.

Furthermore, our area isn't the only commercially used space in Oaks Estate so would like clarification as to why only our space is up for re-zoning.

We weren't advised of these proposed changes when we purchased the property in early 2016 and had we been made aware of potential re-zoning it would have impacted our decision to go ahead with the purchase.

There are multiple examples of buildings in Oaks Estate that exceed the two storey limit you plan to impose on our space. More importantly, we believe the demographics of Oaks Estate has significantly changed in the 6 years preceding the public consultation undertaken.

We would suggest and appreciate further community consultation around the need or purpose of re-zoning before this variation is approved.

Kind Regards,

[REDACTED]  
[REDACTED]  
[REDACTED]

To

Territory Plan Section  
Environment Planning and Sustainable Development Directorate  
GPO Box 158  
Canberra  
Ngunnawal Country  
ACT 2601

Date  
14.09.2021

Subject  
Draft Plan Variation 328 - Oaks Estate

1

Thank you for the opportunity to provide comments on Draft Variation 328 Oaks Estate. In summary, this submission identifies apparent omissions in the approach taken by the Environment Planning and Sustainable Development Directorate (EPSDD) in formulating the environmental protection measures against potential noise and odour impacts from external sources.

### **Context**

As acknowledged in DPV 388, Oaks Estate is a long-established urban area which contains a range of uses, including light industry, which is reflected in the lease purpose clauses of many of the existing premises within the estate. The estate sits immediately adjacent to the main Canberra - Sydney railway line. This section of the railway line is within NSW and the land in which it sits is zoned industrial under the Queanbeyan-Palerang planning scheme. The site is also approximately 500 metres distant from the Queanbeyan East industrial area. However DPV 328 fails to address the potential noise and odour risks that these external uses present to future residents.

### **Intent of DPV 328**

DPV 328 proposes to apply a Commercial CZ 4 zoning to the commercial area of Oaks Estate in recognition of its role as the local centre. The draft variation will also allow some commercial development opportunities along Railway Street consistent with the proposed zoning. In this regard it is noted that the ACT Government's land release program has identified Blocks 5,6 and 7 Section 7 Oaks Estate in 2021-2022. Consistent with all other blocks in the local centre zone, Blocks 5,6 and 7 Section 7 Oaks Estate are capable of accommodating residential use at the upper level.

### **Residential Use - No Protection from External Impacts**

There is a lack of measures to protect future residents from noise and odour impacts from external uses and transport infrastructure. The only measure is Criterion C1 (no mandatory rule applies) which states that "*residential development is designed to mitigate the potential impacts on future residents from the operation of existing commercial uses*". This fails to offer any protection to future residents from noise and odour impacts from the adjacent Canberra - Sydney railway line, the Queanbeyan East industrial estate or any existing or future light industrial uses permissible under existing leases within Oaks Estate.

In this regard DPV 328 suffers in comparison with the far more stringent mandatory requirements imposed under similar circumstances elsewhere. Future ACT Government land sales should be subject to the same requirements as applied to the private sector in similar circumstances.

**MOLONGLO**

hello@molonglo.com +61 2 6171 8400  
GPO Box 1565 Canberra, Ngunnawal Country, ACT 2601 molonglo.com

### **Consistent Policy Implementation**

If planning and environmental protection policy is to be consistently applied then DPV 328 should incorporate the following additional mandatory rules applicable to any residential development within the RC1 Commercial Local Centre of Oaks Estate..

#### Noise attenuation external sources

- In addition to R67 of the Multi Unit Housing Development Code and R42 of the Single Dwelling Housing Development Code which require mitigation of noise from road traffic, rail and regulated sources. For residential development all dwellings shall be constructed to comply with the relevant sections of AS/NZS 2107:2016 - Acoustics – Recommended design sound levels and reverberation times for building interiors (the relevant satisfactory recommended interior design sound level). Compliance with this rule is demonstrated by an acoustic assessment and noise management plan, prepared by a member of the Australian Acoustical Society with experience in the assessment of rail traffic noise, and endorsed by the ACT Government entity responsible for transport planning
- Development complies with a noise management plan prepared by a suitably qualified person and endorsed by the Environment Protection Authority (EPA). The noise management plan will detail the proposed design, siting and construction methods that will be employed to ensure compliance with the Noise Zone Standard as detailed in the Environment Protection Regulation 2005, based on the estimated noise levels when the facility is in use. Note: A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan.

#### Air quality assessment

- Prior to any residential development being proposed for the site, an air quality assessment must be undertaken to demonstrate that the existing industrial uses both within and external to the site will not have adverse impacts on existing and proposed sensitive uses. The air quality assessment will need to demonstrate that impacts from emissions sources both within the site and from the adjacent industrial uses is appropriately assessed in accordance with the Environment Protection Authority's applicable guidelines at the time and endorsed by the Environment Protection Authority.

#### Noise and odour internal sources

- Where subdivision (including unit titling) of parcels is proposed, noise and odour management plans are prepared by a suitably qualified person and endorsed by the Environment Protection

Authority. The plans will demonstrate how the development addresses noise and odour emissions from within the site and how the impacts are mitigated for sensitive uses on and adjoining the site.

### **Agency Assessment**

It is acknowledged that there is considerable merit in providing the residents of Oaks Estate with a viable local centre. However, the potential impacts on future residential uses from existing external sources should be addressed.

It may be that initial studies were undertaken to address such risks to the satisfaction of EPSDD and the EPA. If so then it is requested that copies of such assessment be provided as there is no evidence of this in the supporting documentation.

Yours sincerely

A black rectangular redaction box covering the signature of the Director of Planning.

Director of Planning Molonglo

**From:** [REDACTED]  
**To:** [Terrplan](#)  
**Subject:** Draft Territory Plan Variation No 328 – Oaks Estate  
**Date:** Friday, 17 September 2021 10:34:06 AM

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17 September 2021

Territory Plan Section of the Environment, Planning and Sustainable Development Directorate (EPSDD)

Dear Sir/Madam

Thank you for the opportunity to provide comments on Draft Territory Plan No Variation 328 (DV328).

I write as the Lessee of [REDACTED] Oaks Estate, noting that my block will be impacted by the proposed changes under the Draft Variation.

My family, ACT residents, has a long history in Oaks Estate, working, providing employment and assisting residents including the elderly. The block has been in our family for almost 60 years. I acquired [REDACTED] in 2019 from the family with the intention of developing the site for a mixed commercial and residential development. My Crown lease currently permits commercial.

Due to the COVID 19 economy downturn I have not yet been able to develop the land, however the proposed changes of DV328 would adversely impact on the development opportunity of the site and therefore I make this submission outlining my concerns with the proposed Variation.

### **Background**

DV328 proposes to alter the Oaks Estate Precinct Code to rezone certain areas of land, include a desired character statement and introduce new planning controls.

I note that prior to the introduction of the Oaks Estate Precinct Code on 14 December 2012 there were no controls applicable to Oaks Estate. The current Precinct Code contains one planning control applicable to the subject block that imposes a maximum building height of 2 storeys.

The purpose of DV328, as identified by the Planning and Development (Draft Variation 328) Consultation Notice 2021, is to implement the Oaks Estate Master Plan that was completed in 2014.

We were not involved and do not recall having the opportunity to make a submission in relation to the Master Plan.

I also understand the Draft Variation has interim effect from 6 August 2021, which means the controls are currently applicable to any

development proposal made from this time.

### **Planning Controls under DV328**

Following the introduction of DV328, the following changes are proposed that will impact the development of my block:

- rezoning the Commercial CZ5 Mixed Use area to Commercial CZ4 Local Centre
- permitting apartments only where located over ground floor commercial development
- introducing controls around site coverage, setbacks, fencing and desired character

### **Impact of proposed changes on [REDACTED] Oaks Estate**

Appreciating the intention of the Oaks Estate Master Plan to protect the character of the village, I believe the proposed changes will adversely impact on the development opportunity of my block and make it difficult to achieve a feasible development outcome.

I also believe that the desired outcomes for the commercial areas of the village can be achieved without the need to rezone the land in this location.

Since DV328 alters the zoning of [REDACTED] from 'CZ5 – Mixed Use' to 'CZ4 – Local Centre', this impacts [REDACTED] in the following ways as a result of new controls that would apply to CZ4 zoned block under the Commercial Zones Development Code:

- Limiting the location of residential development to above ground level (where currently this is not restricted)
- Limiting the maximum gross floor area for shop use (a maximum of 200m<sup>2</sup> where previously up to 1,500m<sup>2</sup> could be permitted)
- Light industry is no longer a permitted use within the commercial area

In addition, I note that new Precinct Code controls now apply to my block, rules that I consider have a significant impact on the opportunity at my block include:

- A maximum of 45% site coverage is permitted
- The maximum building height in storeys is unchanged, however the maximum height is specified at 8.5m (excluding approved items).

Given that the maximum permitted building height is 2 storeys, there are limited development configurations that can be achieved on the site to accommodate ground floor commercial uses to meet the design requirements, as well as site coverage restrictions. This means commercial development opportunity is limited, and any potential residential development opportunity is halved as a result of the proposed Variation.

In conclusion, I support the objectives of the Oak Estate Master Plan however request that consideration be given to retaining the existing CZ5 zoning for [REDACTED] to provide flexibility to achieve development outcomes. It is my view that the desired character for the village can be maintained without the need for rezoning of this land.

I also consider that the maximum 8.5m building height should not be a mandatory control for the same reasons of flexibility in design outcomes. I trust that the authority will take my comments into consideration in making the final recommended variation. I am available to discuss my comments on Draft Variation 328 further as required, please contact me should you require additional information.

Yours Sincerely,

A black rectangular redaction box covering the signature area.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [Terrplan](#)  
**Cc:** [REDACTED]  
**Subject:** DV328 Oaks Estate  
**Date:** Thursday, 25 November 2021 3:52:46 PM

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Good afternoon Alix,

The heritage and landscape values associated with Oaks Estate are immense. They deserve serious attention and recognition. The planning issues that arise for Oaks Estate and its community are complex. They require data collection and surveys, genuine community consultation and public meetings, careful analysis and review of any proposals, and effective coordination with NSW Rail (Trainlink) and Queanbeyan-Palerang Council.

Oaks Estate is neither a suburb nor a village, but a historic amalgam and in some sense an anomaly. Oaks Estate's relationship to the Molonglo and Queanbeyan Rivers, the railway station, the nearest residential settings in the A.C.T. (Pialligo and Narrabundah), and neighbouring Queanbeyan produce a unique set of opportunities, challenges, threats and constraints.

DV328 does not give effect to the 2014 Master Plan's 5 principles. It does not address either the heritage or landscape values of Oaks Estate, that are fundamental to maintaining and enhancing its character. It does not engage with the root causes of major planning issues that affect this community, that limit opportunities for sustainability, growth and change into the future, ie:

- the disproportionate percentage of public housing
- the substandard housing conditions provided to public housing tenants in poorly maintained apartment complexes
- the intermittent and meagre provision of wrap around services
- the deficiency of public transport
- the continuing concentration of disadvantage
- the incidence of road closure and severely reduced access due to flooding of the river
- the volume of vehicle traffic and safety of pedestrians
- the high risk of fire
- the intense demand for affordable housing
- the large amount of vacant commercially zoned land
- the rapid rate of gentrification.

DV328 does not propose any measures that develop a sense of entry and arrival into Oaks Estate, or that enhance connectivity and accessibility into and out of Oaks Estate. Lastly, it contains nothing to improve the recreational and environmental value of the Molonglo and Queanbeyan river corridor.

Both the approach to DV328, and the process surrounding it, are disappointing. It compares poorly to recent work carried out by local government in NSW, such as Blue Mountains City Council for Blackheath. It appears to me to be an expedient and hasty revision of a six year old draft that was shelved. The motive behind it appears to be the

most recent published version of the Indicative Land Release Program, which sadly no longer has credibility in terms of underpinning land economics, and is therefore constantly in flux.

The six year hiatus since DV328 first came out will of course mean that a large percentage of the community is unfamiliar with the planning that's led up to this, and why it's taken so long to get to this point. Supplying helpful fact sheets and organising public meetings are important for helping the community make sense of the draft variation, and what it means for them and their neighbours in the short and long terms.

Superficially, converting the CZ5 zone to CZ4 appears to be a major positive, until the list of land uses permitted and prohibited by the two zones is taken into account.

Oaks Estate is a special piece of both Canberra's and Queanbeyan's history. Its distinctive heritage and geographic location make it an important place to plan for and plan well. DV328 does not do what it claims, and undermines the ACT's long term strategic planning.

Questions that I suggest need to be considered, publicly discussed and debated:

**In light of commercial vacancy rates and economic forecasts for this sector, is it realistic to zone so much land commercial, and would it be better to designate a core local centre, a multi-purpose public open space for recreation and markets, a heritage buffer for The Oaks and Robertsons' House, and make adequate provision for off-street parking to help make a few shops on McEwen Avenue viable?**

- Why is so much land zoned commercial compared to other local centres such as Ainslie, where a third of the land allocated services a population over 20 times the size?
- Is there a risk of promoting big box developments?

**Why do the 'desired character' statements avoid mention of historic rural village, scenic rural vistas, heritage, or pick up any of the related content of the Master Plan pp15-17?**

**Why are the precinct codes for Hall and Tharwa structured so differently and why is the main emphasis in DV328 on the commercial precinct rather than the place as a whole, then breaking that down into components?**

**What is the likely effect of the ILRP for 2021-22?**

- The ILRP published by EPSDD for 2021-22 shows 4380m<sup>2</sup> of commercial land is scheduled to be released this financial year in the proposed Oaks Estate CZ4 zone. That's a somewhat surprising figure given the property vacancy rates occurring in both local and group centres in the ACT, and emerging trends, which would also apply across the border in Queanbeyan.
- Which particular sites would that commercial release apply to, how would that development be staged in relation to the remainder of the CZ4, and how would parking be handled?
- Is there a proposal in the wings that the community should know about?
- None of the 17 dwellings listed in the ILRP for Oaks Estate are classified as community housing, affordable housing or public housing, so does that mean the intention is for those blocks to be sold off to a private developer with no requirement

for affordable housing, or are they all intended to be build-to-rent and offered as private rentals?

**In what way has the Master Plan informed the precinct code or actions taken?**

- Since the Master Plan was published in 2014, what has been done to improve the sense of arrival via the two road accesses?
- What has been done to service the community with public transport, and wrap around services?
- What has been done to augment water and sewage and stormwater and fire and emergency services?
- What has been done to replace inappropriate substandard social housing or reduce the high concentration of complex social problems?

**In what ways would this precinct code equip Oaks Estate to deal with major threats?**

- What is the preparedness for threats from fire, heavy rain, storms and flooding and why are there no protections included?
- In what way would the precinct code ensure that the community hall remains a community hall if it were damaged or destroyed by fire?

**Are there opportunities to create attractive frontages to Queanbeyan Railway Station?**

- What is the status of the DCP for Queanbeyan railway station and are there plans to invest in upgrading this link?
- If the railway link to Canberra and Sydney is upgraded in the future, a hotel, youth hostel, bed and breakfast or backpackers accommodation could be viable. Why is this a prohibited use in the draft variation?

**What traffic modelling has taken place since 2014?**

- Has traffic and parking in Oaks Estate been analysed, and what does traffic modelling show for things like truck movements and parking requirements associated with proposed commercial uses and shop top housing?
- What are the road safety implications as through traffic and population across the border grows?
- How many apartments are projected to be developed in the proposed CZ4 zone?

**In what way does the precinct code protect or ensure that heritage values are explicitly respected or understood?**

Kind regards

[REDACTED]

[REDACTED]

m: [REDACTED]

**THINK WELLBEING.**

I no longer work weekends, or Mondays or Fridays.

This email was sent at a date and time that was convenient for me. Please do not feel obliged to respond outside of normal working hours.





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23 November 2021

Territory Plan Section  
Planning and Urban Policy  
Environment, Planning and Sustainable Development  
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## DV328 OAKS ESTATE

The National Trust is concerned about a number of relevant issues in this draft variation.

### 1 Residential RZ1

The adoption of RZ1 for most of the residential area is not unreasonable and will limit but not prevent multi-unit development. However there are repeated references to a village character in the explanatory statement that are not clarified in the precinct code or linked to special characteristics/controls that would enhance and protect this character. If RZ1 is to be applied and a village character achieved then greater detail needs to be prepared and circulated for public comment during the draft variation process.

Further work is needed.

### 2 Commercial CZ4

The proposal for rezoning over 14,260 m<sup>2</sup> of commercially zoned land from CZ5 mixed use to CZ4 local centre does not appear unreasonable. However the impact of rezoning such a large proportion of the area for commercial land next to an increasingly busy road that's affected by flooding, while removing the current prohibition on industrial trades and light industry, is potentially damaging to the heritage values of the area as a whole and its heritage-listed properties (Robertsons' House and The Oaks).

Rezoning would not affect existing uses for individual sheds, warehouses and storage facilities. However these are inconsistent with a local centre, whereas other uses that are permissible in the current CZ5 (hotel, motel, tourist facility, place of assembly) would be compatible yet will no longer be permissible. The total area proposed for CZ4 is significantly greater than a local centre would require and should therefore be cut back accordingly.

The overall approach to the commercial component of Oaks Estate needs more work, and may need some zoning change or clarification.

Respecting Robertsons' House and its heritage within the commercial zone require more than the minor setback rules proposed, which are easily relaxed using the criteria. There must be a defined buffer within the CZ4 zoning to ensure that the scale and massing adjacent to Robertsons' House suits the setting.

Further work is needed.

**3 Heritage**

The heritage values of Oaks Estate have been highlighted in two previous reports that supported listing the area as a Conservation Area. However this was not supported by the ACT Heritage Council at the time. It is believed that Oaks Estate has significant heritage value as a unique and different part of Canberra that requires official recognition. It could be listed in a similar way to Blandfordia 4 with streetscape and character controls and reasonable freedom to develop new buildings.

The National Trust is prepared to work with EPSDD and ACTHC to achieve this and strongly recommends this action.

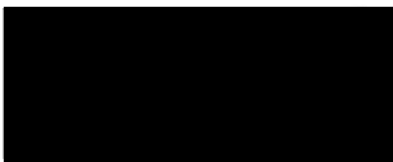
Similarly, we would recommend an explicit mandatory buffer for both the heritage-listed Oaks and Robertsons' House, and protective controls on their setting be included in the precinct code.

**4 Community Hall CFZ**

We understand that rezoning the community hall site to Community Facility Zone (CFZ) would potentially permit 4 storey social housing at some later date. This would be inappropriate in the context of Oaks Estate historically, and inconsistent with its character. The precinct code should be amended to limit land use on this site to a single storey community hall in keeping with its existing use.

The controls that apply to the proposed CFZ need further work in order to prevent inappropriate development.

Yours faithfully

A large black rectangular redaction box covering the signature area.A small black rectangular redaction box covering the name of the signatory.

# OAKS ESTATE RESIDENTS ASSOCIATION

10 December 2021

Territory Plan Section

Planning and Urban Policy

Environment, Planning and Sustainable Development Directorate

## DV328 OAKS ESTATE

**The Oaks Estate Residents Association is concerned about a number of issues in this draft variation. It is also concerned that on the 26 November 2021, the closing date for responses to the Draft Variation the Suburban Land Agency published a Fact sheet re the release of identified sites for sale in Oaks Estate. This included four sites where the DV328 mooted a change in zoning from CZ5 to CZ4. This implies that the outcomes of the consultation on the DV328 were a forgone conclusion and feedback was not going to be considered. However our Association would like our following concerns noted.**

### **1. Management of traffic flow in Oaks Estate**

The Oaks Estate residents have for many years expressed concerns to the ACT Government about traffic flow, intensification and management in and through Oaks Estate. These concerns have not been responded to to date and the DV328 recommendations have the potential to compound these existing problems by funnelling significant increased traffic flow from Railway Street through McEwan Avenue into the residential area of the suburb. There is currently a serious traffic problem at the intersection of Railway Street and McEwan Avenue caused by significant traffic flow through Oaks Estate to Queanbeyan. Our Association has been informed that this is not the concern of the Environment, Planning and Sustainable Development Directorate but we would hope that Government would have the forethought to have a more holistic approach when seeking to vary a suburbs Precinct Code. The Oaks Estate Residents Association would like to formally request that the relevant Government authority undertake a traffic management study for Oaks Estate and that land sales do not proceed until this is completed and action

### **2. The Village Character of Oaks Estate**

Although there are repeated references to the “village character” of Oaks Estate there is nothing in the Draft Variation that seeks to maintain or foster the unique village nature of the suburb. Although the change in the CZ5 mixed use to CZ4 local centre does not appear to be a significant change our Association questions the need for such a high proportion of commercial land in such a small suburb. This is also an issue when there is much vacant commercial space in Beard, Fyshwick and

Queanbeyan. We are also concerned about the impact of commercial space on the historic Robertson House. This overall approach to the commercial component needs to be reconsidered and we believe more of the land should be made available for residential development.

### **3. Community Hall**

The Oaks Estate Residents Association believes that not only does the Community Hall need to be maintained into the future but the site also needs to be maintain for a community facility. Oaks Estate has no community infrastructure other than the Hall and in the event if it burning down we would not want to see the site used for other purposes or inappropriate development.

Yours sincerely

A solid black rectangular box used to redact the signature of the President of the Oaks Estate Residents Association.

President, Oaks Estate Residents Association

# Oaks Estate Master Plan



DECEMBER 2014







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## Executive summary

The Oaks Estate Master Plan defines what is important about Oaks Estate and identifies opportunities for preserving and enhancing the quality of that place. It identifies new opportunities for moderate growth while maintaining the area's existing history and character. The master plan acknowledges Oaks Estate as a highly intact early 20th century urban village.

The master plan is a strategic planning document. It provides a spatial framework, a vision, principles and strategies to guide the development of Oaks Estate into the future. As such, it builds on past planning studies including the Oaks Estate Planning Study undertaken in 2001 and recent heritage, infrastructure and traffic assessments.

The master plan is not a statutory planning document that will be translated into a precinct code to be incorporated into the Territory Plan, the statutory planning framework in the ACT.

The master plan is supported by five planning principles that inform the specific planning strategies. The principles provide direction and guidance for the future development of the centre over the long term, considering the broad range of issues identified in the background and analysis:

**Principle 1:**

Maintain and enhance the existing character.

**Principle 2:**

Provide Oaks Estate with new opportunities for sustainability, growth and change into the future.

**Principle 3:**

Develop a sense of entry and arrival into Oaks Estate.

**Principle 4:**

Enhance connectivity and accessibility into and out of Oaks Estate.

**Principle 5:**

Improve the recreational and environmental value of the Molonglo and Queanbeyan river corridor.

Within Oaks Estate, three precincts have been identified: the Village Core, the Historic Residential and

the River Landscape precincts. Planning strategies are outlined in the master plan for each identified precinct.

The planning policies detail the proposed built form and public realm improvements for the Village Core and Historic Residential area.

They also focus on opportunities to improve the recreational and environmental benefits of the River Landscape for the community and visitors to Oaks Estate, subject to future funding considerations.

*Workshop shed associated with Robertson House*





Figure 1: Oaks Estate study area



# 1. Introduction

## 1.1 Study area

Oaks Estate is a village located in the ACT on the New South Wales (NSW) border. It is approximately 12 kilometres east of Canberra City, adjacent to the NSW township of Queanbeyan (Figure 1). The village covers approximately 40 hectares and is bound by the Molonglo River to the north, the Canberra–Sydney railway to the south, the Queanbeyan River to the east and Oaks Estate Road to the west.

Oaks Estate predates the establishment of Canberra as a city and the nation’s capital. Originally a part of Queanbeyan, Oaks Estate was amalgamated into the ACT in 1911. Both the ACT and NSW have influenced the political, economic, urban and cultural character of Oaks Estate. These influences suggest that the future direction of Oaks Estate will continue to respond to factors beyond its immediate boundary.

Oaks Estate comprises approximately 90 lots. Land use is predominantly residential, with some small-scale commercial, light industrial, community use and rural areas.

The character of the residential dwellings is mixed. While the majority of the residential land area is low density detached housing, more than half of the dwellings are clusters of three and four storey flats from the 1970s. There are 78 public housing dwellings managed by the ACT Government and not-for-profit organisations such as St Vincent de Paul Society.

## 1.2 Importance of the master plan

A master plan outlines a spatial framework and strategic planning directions to guide growth and development over time. It is not a prescriptive document, but it provides a framework for an area, identifying opportunities for improvements.

As a non-statutory strategic document, the master plan proposes options to guide the planning and delivery of capital works projects, development applications, budget priorities and future land release. The master plan also informs the preparation of a draft Territory Plan variation with a revised precinct map and code. Changes to the Territory Plan are a likely outcome of the master plan and will provide new and/or revised planning controls for Oaks Estate. This may provide more certainty for leaseholders, community and government.

A key component of the master plan process is community and stakeholder engagement. This process allows for a robust debate on a number of themes including transport, built form, public realm, land use and accessibility.

*Mixed residential dwellings in Oaks Estate*





### 1.3 Master plan process

The master plan process includes three main stages as shown in Figure 2. Extensive background research, analysis, and community and stakeholder engagement have been conducted to inform and guide the development of the master plan.

A variation to the Territory Plan in the form of a precinct code for Oaks Estate has been prepared.

### 1.4 Community engagement

Ongoing engagement and discussion with stakeholders and the community of Oaks Estate formed a key part of the master plan process. More than 250 people attended various meetings, filled in surveys or took part in individual conversations. Community input and feedback was gathered during public workshops and through the use of surveys, information displays, feedback forms, 'meet the planners' sessions, presentations to stakeholders and individual meetings. This interaction helped identify what is important about Oaks Estate and how its character and quality can be conserved, improved and enhanced.

Figure 3 summarises the engagement activities held during the master plan process. Two engagement outcomes reports provide detailed analysis of the approach, processes and feedback received during each stage of the master plan study.

Further information on feedback from previous stages of consultation can be found in the engagement outcomes reports, available at [www.act.gov.au/oaksestate](http://www.act.gov.au/oaksestate).

Figure 2: Master plan process

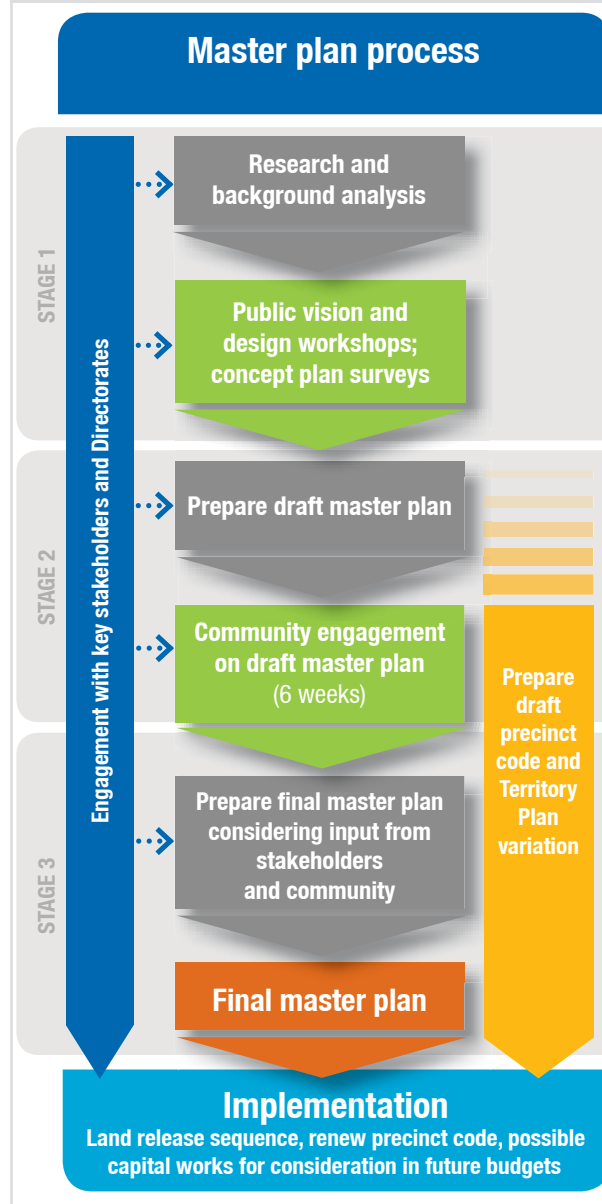


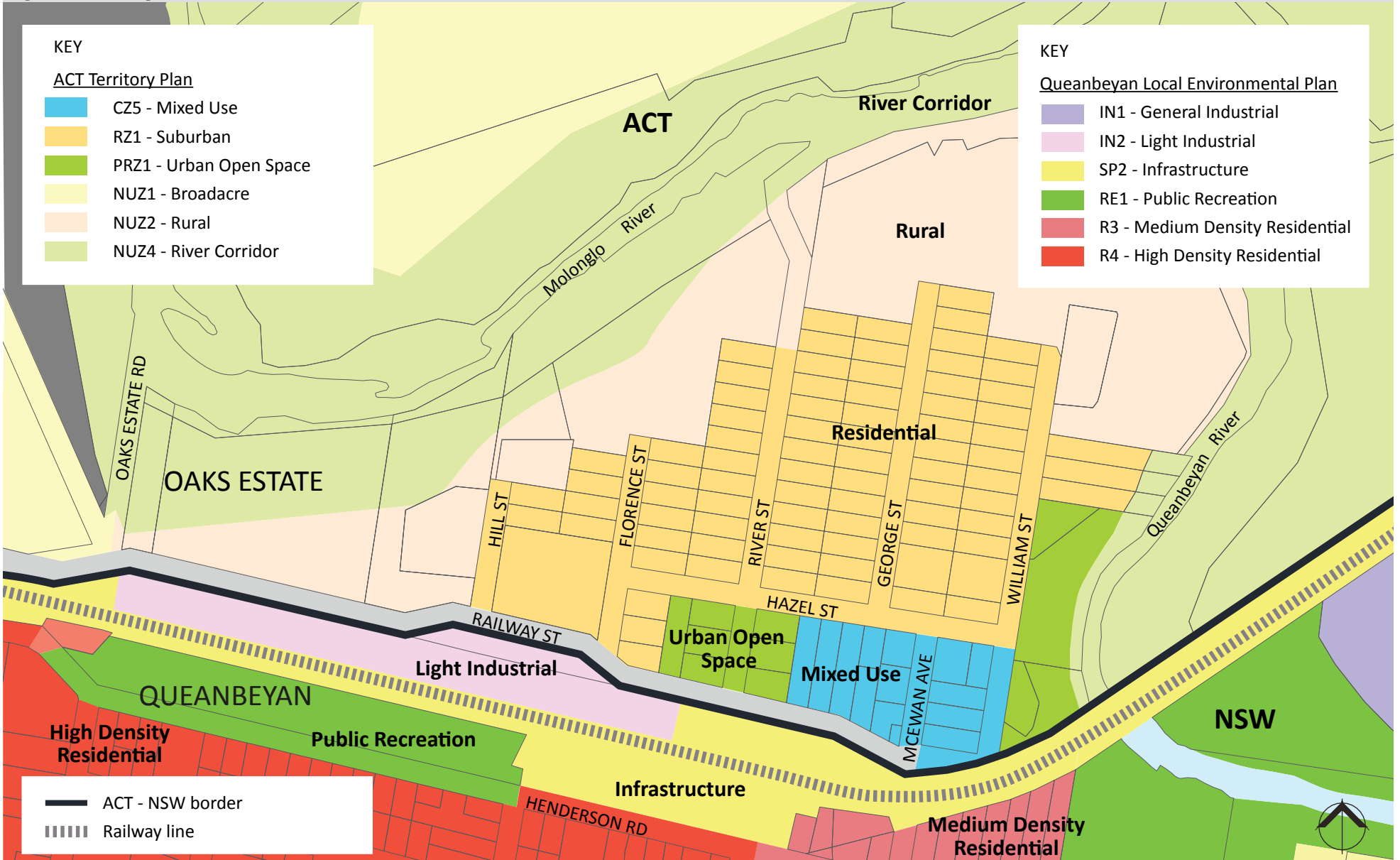
Figure 3: Summarises the engagement activities







**Figure 4: Existing ACT and NSW land use zones**





## 2. Planning context

### 2.1 Strategic planning

#### 2.1.1 ACT Planning Strategy

The ACT Planning Strategy (2012) guides the development of Canberra to help achieve its economic, cultural and environmental aspirations. It aims to make Canberra more sustainable over time.

The strategy is a policy for both government and the community and:

- outlines where future growth and change should occur and how it should be managed
- identifies where more specific planning and investigation is required
- helps prioritise investment in social and utility infrastructure
- reinforces the importance of regional collaboration.

Strategy 1 in the ACT Planning Strategy is of relevance as it promotes a more compact and efficient city by focussing urban growth predominantly in town centres, around group centres and along main transit corridors. It is not anticipated that Oaks Estate will be an area for large population growth as it is a village located outside the main centres and transit corridors.

Strategy 8 of the ACT Planning Strategy identifies the need to value and conserve the land and natural resources of the region by working collaboratively with NSW state and neighbouring local governments on urban growth, resource management, environmental protection and conserving agriculturally productive land.

Towns and villages in Canberra and NSW are acknowledged as distinct places that will have strategies prepared to retain their identity and have effective services to support them. This is significant for the border community of Oaks Estate with its historic role and unique landscape setting adjacent to Queanbeyan and the NSW railway line, with potential to represent some of the story of the cultural and natural heritage of the region.

#### 2.1.2 Transport for Canberra

Transport for Canberra (2012) is a companion policy to the ACT Planning Strategy and is the foundation for transport planning for the next 20 years. It promotes a shift to more sustainable travel options for Canberrans. As Canberra grows and changes, the actions and targets in Transport for Canberra will help reduce traffic congestion and greenhouse gas emissions while increasing the number of people using active and public transport to get to work.

Active travel policy (walking and cycling) is of particular importance for Oaks Estate as it seeks to link the village to the Queanbeyan and ACT path network.

#### 2.1.3 ACT climate change action plan

AP2: A New Climate Change Strategy and Action Plan for the ACT (2012) is the ACT Government's strategic policy on climate change. AP2 guides the Territory's strategy to reduce greenhouse gas emissions by 40% of 1990 levels by 2020 and to transition the ACT to zero net emissions by 2060. AP2 provides a pathway to achieve emission reductions through energy efficiency and increased use of renewable energy.

It also identifies opportunities for improved environmental performance of buildings and infrastructure.

The projections for the ACT and region are for an increasingly hotter and drier climate with more extreme weather events. Since 2009 the ACT Government has been taking mitigation actions and assisting the community to increase its resilience. Examples of significant mitigation measures undertaken by the ACT Government are:

- legislating emission reduction targets for the ACT in 2010: zero by 2060; 80% by 2050, 40% by 2020 (based on 1990 levels)
- investing in renewable energy sources (solar and wind) to meet the ACT's renewable energy target (RET) of 90% by 2020 (introduced in 2013)
- introducing the energy efficiency improvement scheme obliging ACT electricity retailers to help customers save energy
- adopting the Carbon Neutral Government Framework with its target of zero net operational emissions by 2020
- investing in Capital Metro light rail and improving the cycle networks.

To help Oaks Estate become more resilient, mitigation and adaptation measures could be incorporated into new developments or the upgrading of existing developments. There is opportunity to demonstrate principles of sustainability by improving active travel, applying passive solar design and investigating 'green infrastructure' projects for Oaks Estate.



*Recently revegetated Molonglo River at the base of River Street looking west*

#### 2.1.4 ACT nature conservation strategy

The ACT Nature Conservation Strategy 2013–23 provides direction on how to better integrate and extend conservation efforts beyond reserves to include natural areas across a range of land uses and tenures, and across the ACT border, to ensure ecosystems remain healthy and well-managed. This landscape-scale conservation will provide the best chance for natural ecosystems to adapt to expected longer-term shifts in climate.

Under Strategy 2 of the ACT Nature Conservation Strategy: Manage threats to biodiversity, an action is proposed to implement improved catchment management to support aquatic ecosystems. This is of particular relevance to the Molonglo River and Queanbeyan River corridor at Oaks Estate.

#### 2.1.5 ACT water strategy

The ACT Water Strategy 2014–44: Striking the Balance incorporates three themes and a detailed implementation plan to guide the management of the ACT's water supply, water resources and catchment practices over the next 30 years. It builds on the original ACT water strategy Think Water, Act Water.

While the emphasis on the original strategy was on water security following the 2003 bushfires and the Millennium Drought, the new strategy will also focus on improved water quality in lakes and streams and greater community participation in assisting in a number of key components of the strategy such as improving catchment health.

Outcomes of the ACT Water Strategy are:

- healthy catchments and water bodies



- a sustainable water supply used efficiently, and
- a community that values and enjoys clean and healthy catchments.

Each outcome identifies strategies and actions to guide water management in the ACT and region. The strategy will be implemented through five year implementation plans with effectiveness of implementation monitored through indicators and targets identified for each outcome.

As Oaks Estate is located adjacent the Molonglo and Queanbeyan rivers, the village may continue to have an impact on the quality of the river corridor. Improved water management will need to be identified and considered as development occurs.

### 2.1.6 Molonglo River Rescue Action Plan

The Molonglo Catchment Group and the ACT Natural Resource Management Council prepared the Molonglo River Rescue Action Plan (2010) as part of an Australian Government Caring for Our Country grant in 2010. The action plan nominates 25 goals with corresponding actions to improve the river reach's condition, including improvements to the condition and function of riparian vegetation, management of point source discharges, recreational development and water sensitive urban design.

The Molonglo River Rescue Action Plan identifies the Oaks Estate area as Reach 6 and sets out some key actions to minimise identified threats to the river. The key threats include:

- expanding industrial and urban development and consideration of stormwater discharge and potential industrial pollution

- Queanbeyan Sewage Treatment Plant
- highly degraded riparian zone
- extensive areas of woody weeds (e.g. willow-elm stands).

Key actions include:

- management of stormwater from urban development to protect waterways and biodiversity e.g. wetlands to slow and filter stormwater and to also provide habitat for birds and frogs. These measures could become part of green space along the river corridor
- staged removal of woody weeds and re-vegetation with appropriate native species
- establish monitoring sites on the river on this reach of the river
- provision of recreation activities along river corridor.

The main actions that have been implemented in Oaks Estate to date have been the removal of debris and weeds and some replanting, with the help of ACT Parks and Conservation and a number of Landcare and community groups.

### 2.1.7 Public Housing Asset Management Strategy

The Community Services Directorate of the ACT Government is responsible for the asset management of the ACT public housing portfolio. The Public Housing Asset Management Strategy (2012) identifies the challenges faced in managing the ACT's public housing stock. This includes:

- the ageing, maintenance and unsuitability of properties to the needs of tenants

- the increase in housing applications, in particular for high needs and priority housing
- the need to align housing stock with the demand for one–two bedroom properties and four bedroom properties and
- the maintenance and energy efficiency costs.

The strategy includes principles used in addressing these challenges for all ACT public housing, including sites in Oaks Estate. Relevant principles include:

- Principle 1: Progressively redevelop and disperse large concentrations of public housing, ensuring that stock is well located with good access to public transport, education, employment and services.
- Principle 2: Provide sustainable tenancies and build inclusive communities.
- Principle 3: Stock must be sufficiently flexible to respond to ongoing and emerging social housing needs.
- Principle 5: The public housing system will be managed efficiently and cost effectively, providing best value to the government.

The public housing in Oaks Estate was constructed before 1974 and has limited capacity to respond to the changing needs of tenants. Of the 77 units, 50 are bed-sitters or one-bedroom, limiting the tenancy base which comprises mostly single male tenants living alone. The location of such housing in Oaks Estate is disadvantaged by the difficulty in increasing public transport services and the lengthy distances of ACT services. Further investigations will need to be made to reduce the concentration of public housing in Oaks Estate and consider properties in suburbs that are better located and serviced.



*Residential surrounded by mature vegetation*

### 2.1.8 Queanbeyan LEP and future DCP

The adjacent NSW railway land, south of Oaks Estate, is owned by Transport for NSW. This land sits within Queanbeyan City Council's (QCC) local government area.

The Queanbeyan Local Environmental Plan (LEP) 2012 is a statutory planning instrument which outlines the permissible developments by zone and key controls that shape development in the area. Figure 4 shows the location and land zonings for the adjacent railway land.

A Development Control Plan (DCP) is a non statutory document that supports the LEP. A site specific DCP for the railway land will provide greater detailed planning and design guidelines for the recently rezoned light industrial railway land. This is yet to be prepared by QCC, but will likely cover planning matters such as:

- traffic, parking and access to the site
- the impacts of building bulk and scale to Oaks Estate
- the views and vistas to and from Oaks Estate, and
- interface of light industry to future uses in Oaks Estate that may be incompatible.

The ACT Government, QCC and Transport for NSW recognise that the future use of the railway site will need to resolve a number of issues in regards to its connection to both Queanbeyan and Oaks Estate.

The ACT Government will continue to liaise with QCC and Transport for NSW in relation to any specific land use proposals that may arise.

## 2.2 Statutory planning

### 2.2.1 National Capital Plan (NCP)

The NCP is the strategic plan for the ACT that is managed by the National Capital Authority. It ensures that Canberra and the Territory are planned and developed in accordance with their national significance.

The NCP sets out the planning principles and policies for the ACT, and details conditions of planning, design and development for 'designated areas' – areas with particular importance to the special character of the national capital.

While there is no designated land within the Oaks Estate study area, the NCP recognises Oaks Estate as an existing village and a part of Canberra's urban area.

### 2.2.2 The Territory Plan

The Territory Plan is the key statutory planning document in the ACT, providing the development policy framework for land use and planning. The Territory Plan must be consistent with the NCP and indicate where designated land exists.

The majority of Oaks Estate is zoned RZ1 (suburban zone), PRZ1 (urban open space) and CZ5 (mixed use) with the remainder as NUZ2 (rural) and NUZ4 (river corridor). Figure 4 identifies the existing zoning within and around Oaks Estate.

New development within Oaks Estate is assessed against the Territory Plan and the Oaks Estate Precinct Code. The existing precinct code focuses on the mixed use zone and allows uses such as craft workshop, light industry and warehouse uses in this zone.

Shops and restaurants have been prohibited on particular blocks in the area. The precinct code will be revised to incorporate the outcomes of this master plan.

## 2.3 Metropolitan context

Canberra is a planned city. In the 1960s the National Capital Development Commission, through the Metropolitan Plan for Canberra, identified several districts outside of the central area, including Belconnen, Tuggeranong and Woden town centres.

Each district was planned with a hierarchy of commercial centres, including town, group and local centres. This structure was intended to help develop strong communities that had good access to services and jobs, and to reinforce Canberra's relationship with its setting. Town centres generally serve the wider district as the main commercial focus. Group centres provide shops and services for a 'group' of suburbs and local centres typically cater for a single suburb or precinct. The ACT Planning Strategy supports the centres hierarchy approach, as well as the lifestyle opportunities of Canberra's villages.

Oaks Estate presents a unique lifestyle opportunity as a historic village that originally began as a temporary workers' settlement during the development of Canberra. Oaks Estate is situated close to Queanbeyan and the city of Canberra, yet retains its semi-rural outlook.

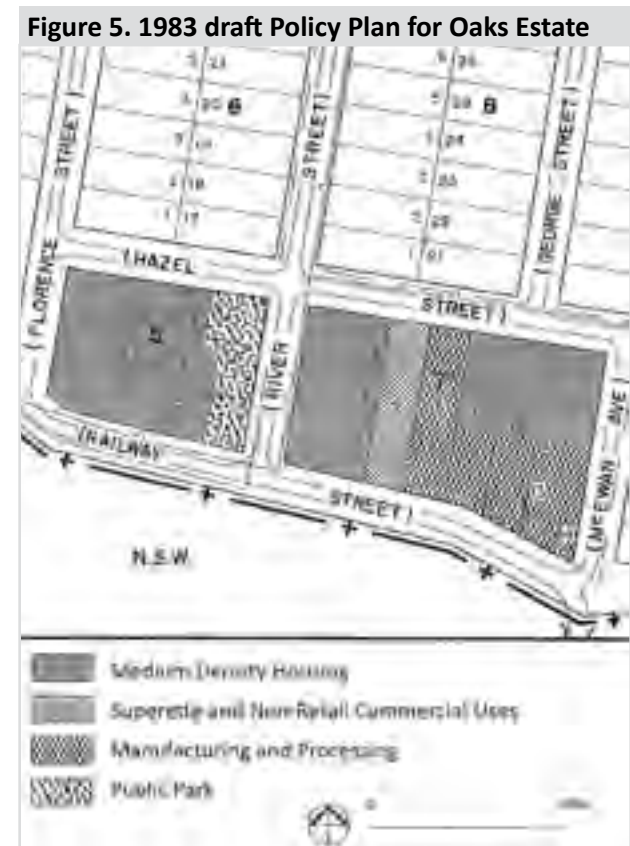
## 2.4 Planning history

A draft Policy Plan for Oaks Estate was developed by the National Capital Development Commission in 1983. The draft Policy Plan focused on Section 5 and 7 of Oaks Estate. It introduced medium density housing and moved the existing park, manufacturing and processing, retail and commercial uses on Section 7 block 4 (Figure 5). The aim was to improve the urban street character of Oaks Estate.

In 1991, the Territory Plan for Oaks Estate was first released for public consultation. At that time, the Oaks Estate Progress Association raised concerns about some of the decisions made in National Capital Development Commission's draft Policy Plan and subsequent draft Territory Plan policies. Requests were made to keep the village atmosphere, for more open space, less density and reduced light industry. There were also requests for the community hall site to be zoned as Community Facility and to show land below the 580 metre contour as River Corridor.

This led to the 2001 Oaks Estate Planning Study being commissioned. It brought together the numerous planning policies and amendments that have occurred for Oaks Estate since 1987. The 2001 Planning Study provided a structure plan that sought to reinforce the village qualities of Oaks Estate. A number of policy recommendations and further works were recommended to implement the plan.

The Territory Plan was then amended to reinforce the recommendations of the 2001 Planning Study including changing land use from residential to urban open space on Section 7, providing for residential mixed use rather than a commercial local centre and providing specific overlays to guide residential mixed-use development in the area. Further recommended works included completing a heritage assessment, requesting ACT Housing to undertake further work to assess tenancy policy, and preparing a master plan in consultation with the community.





## 2.5 Historical context

The area now known as Oaks Estate was first inhabited by Aboriginal people, including the Ngunnawal, Ngarigo and Walgalu. The Aboriginal Cultural Heritage Assessment (Navin Officer, 2013) concluded that the junction of the Molonglo and Queanbeyan rivers would have been a well-used travel route and camping location that was rich in resources prior to European settlement.

European history in the area began with a large estate, named 'The Oaks', established in 1837. This estate changed hands a number of times in the 19th century before being subdivided into 300 building allotments in 1887. The pattern of streets set out at that time formed the basis of modern Oaks Estate, which initially developed as a part of Queanbeyan, not as a small rural village.

Oaks Estate was amalgamated into the newly formed ACT in 1911 following the decision that the boundary should follow the railway line instead of the river.

In the early decades of the 20th century, Oaks Estate was a temporary workers' settlement, housing the builders who constructed the early parts of Canberra.

Tradesmen and labourers were attracted by low purchase prices, few regulations, freehold tenures, proximity to Canberra and Queanbeyan, and the new railway. By 1933 only 34 houses had been built in Oaks Estate – less than one a year since its subdivision in 1887. After World War II, migrants from Eastern Europe and the Mediterranean arrived in Oaks Estate, with many establishing home-based businesses and industry.

Although not part of the original plan for the ACT, Oaks Estate is technically the oldest settled suburb in the Territory. In contrast to Canberra, Oaks Estate developed informally under the freehold system up until the early 1970s.

Many of the building materials were obtained from other building sites. Some were made from local on-site materials such as sand for bricks.

In 1974 the Australian Government acquired the land in Oaks Estate and brought it under the leasehold system. Some residents and business owners were concerned about what this meant for the future and decided to leave Oaks Estate. Those who stayed were given a 99-year lease offer. In 1974, the Department of the Capital Territory purchased 77 existing flats from private developers to address an acute shortage of public housing in Canberra. Figure 6 shows a timeline of the development of Oaks Estate.

**Figure 6: Timeline of the development of Oaks Estate**

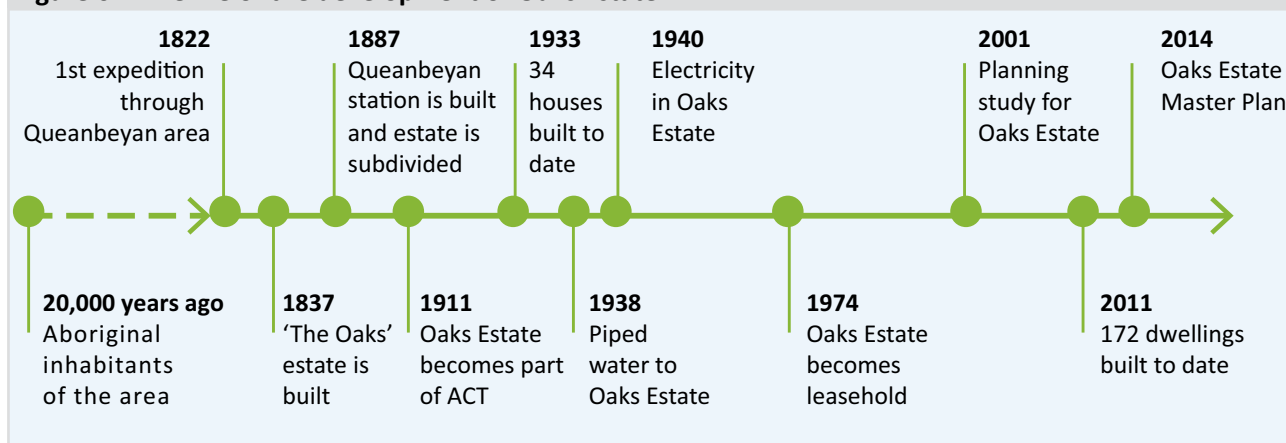
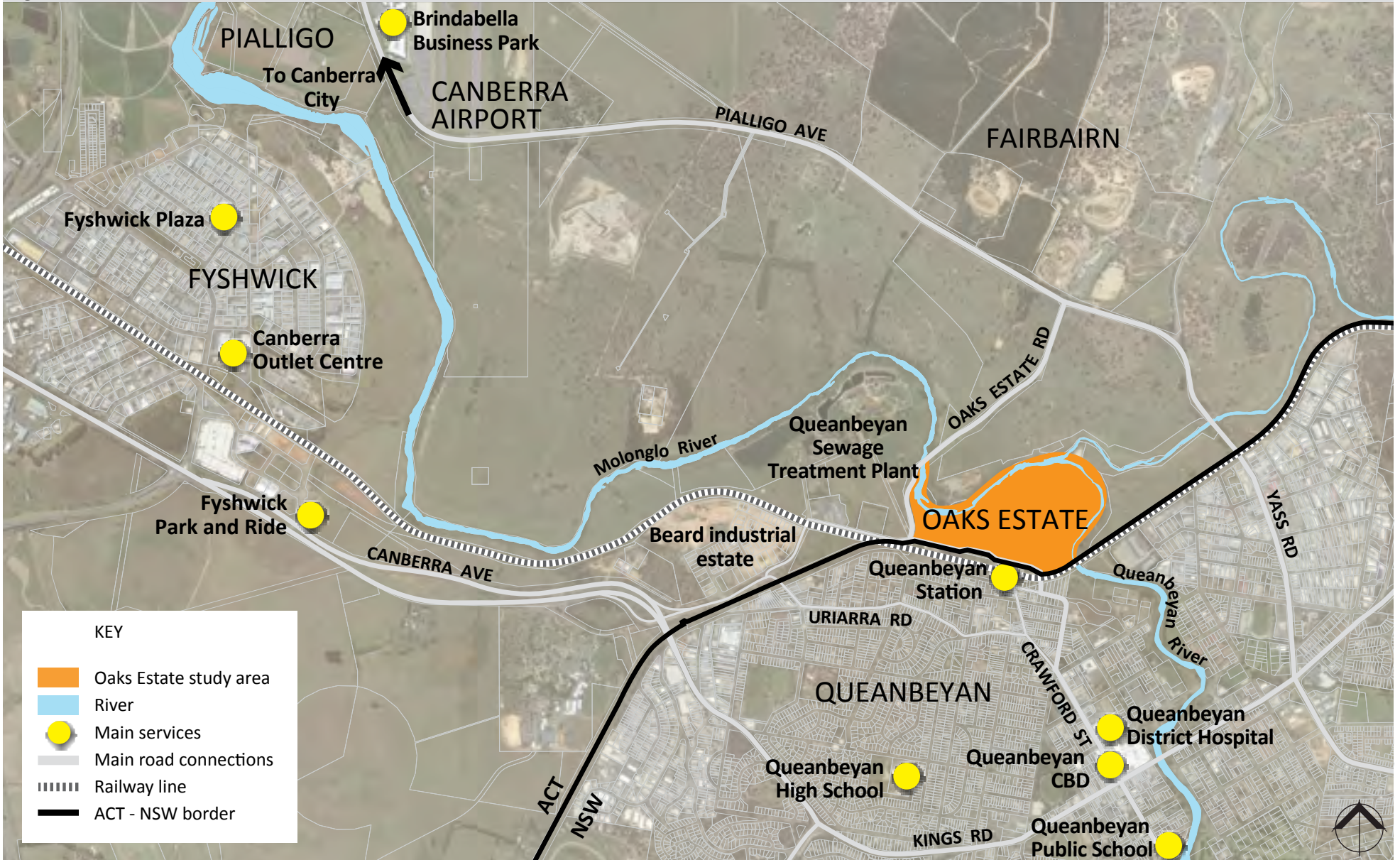






Figure 7: Oaks Estate context



## 3. Background and analysis

### 3.1 Community engagement

Major attractors for people moving to Oaks Estate were affordable houses on big blocks in a rural setting close to Queanbeyan and Canberra. Other valued attributes included the history, character, and ad-hoc village-feel of the area. Its tranquility, environment and the river are what people see as unique qualities.

Key concerns expressed during public engagement were:

- The lack of ACT public transport services can leave existing residents without private vehicles disconnected.
- Increasing traffic volumes including heavy vehicular traffic from surrounding light-industrial and urban development impact on the quality of life.
- Outstanding Heritage Council decisions on existing heritage nominations create uncertainty and new development may be out of character with Oaks Estate heritage.
- With new development there is also fear of losing rural outlooks and vistas in the area.
- While existing light-industrial is seen as part of Oaks Estate's history, there are concerns over noise and traffic impacts.
- Many expressed the desire for future development to demonstrate sustainability and be consistent with the existing predominantly low scale and historic features of built form.

Further information on feedback from previous stages of consultation can be found in the Public Engagement Outcomes reports 1 and 2 available at [www.act.gov.au/oaksestate](http://www.act.gov.au/oaksestate).

### 3.2 Character

Oaks Estate has become a unique village that contains both urban and rural characteristics. Its geographical context (Figure 7), its historical perspective and its relationship with both the ACT and NSW have influenced its development. The views to the rural landscape surrounding Oaks Estate, the paddocks across the river, the Queanbeyan Railway Station and the railway bridge, are intrinsic to the village character of Oaks Estate. The built form is an eclectic mix of colonial cottages, brick veneer houses, medium density walk-up flats and light industrial buildings.

### 3.3 Topography

Oaks Estate is located within the bend of the Molonglo and Queanbeyan rivers. The southern banks of the Molonglo River are relatively level, slowly rising toward the main residential core of Oaks Estate. To the east, where Oaks Estate adjoins the Queanbeyan River, there is a 20 metre drop along its western banks. This provides an attractive outlook from William Street and its public spaces.

The changes in topography and the presence of the rivers have dictated the extent of the urban footprint and land use. The original subdivision, in 1887, proposed allotments up to the edge of the Molonglo River. The subdivision has retreated over time to its current position due to flooding.

The power of the river has defined the development envelope of Oaks Estate, which has helped maintain its rural character. It has also created a recreational asset for the local community.

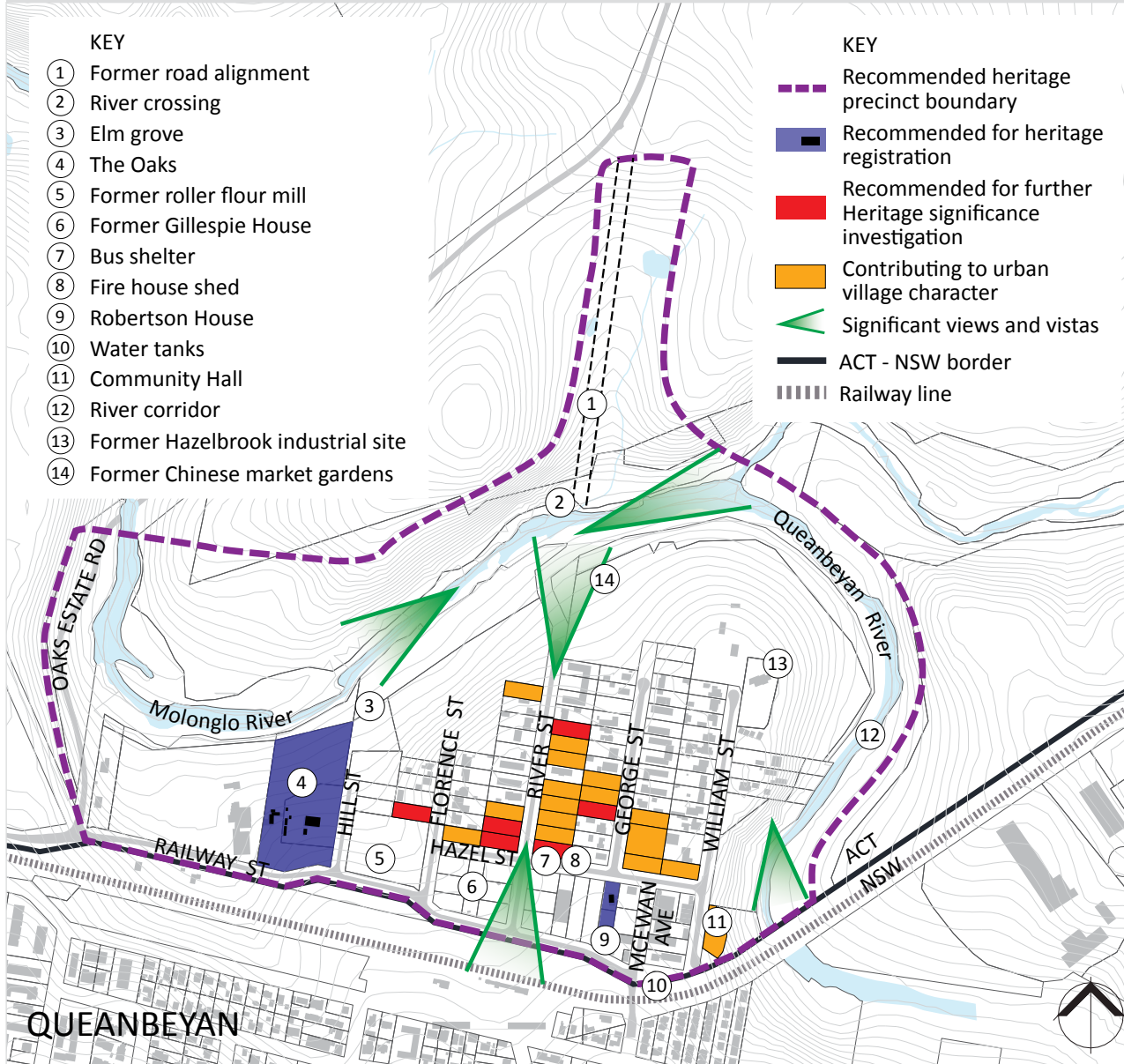
An informal walking trail follows the rivers and is used for recreational walking and fishing.



*Community engagement at Oaks Estate hall*



**Figure 8: Places identified as having potential heritage significance in the Oaks Estate Heritage Assessment**



### 3.4 Heritage

Two heritage studies and the Oaks Estate Heritage Assessment were completed to inform the development of this master plan and to further progress heritage nominations within Oaks Estate. Since 2001, 12 nominations to the ACT Heritage Register, including the whole of Oaks Estate as a precinct, have been made. The Oaks Estate Heritage Assessment (Philip Leeson Architects, 2013) assesses these nominations and recommends the following (Figure 8):

- listing Oaks Estate on the ACT Heritage Register as a precinct
- listing The Oaks and Robertson House as places of individual significance
- identifying, in the precinct listing, other places of potential individual significance, places that contribute to the urban village character, certain landscape elements and specific views to be retained/enhanced, and
- preparing heritage guidelines to conserve significant features of the place.

The Statement of Significance by Philip Leeson Architects notes that Oaks Estate:

- has the potential to provide information on the cultural history of the ACT, particularly as a place that developed outside the grand vision of Canberra, and which housed the workers who helped build the city
- is evidence of several ways of life and land uses that are no longer practised, including development of industry associated with the river and the railway, and



- contains aesthetic qualities, in both the natural and built elements, of late nineteenth century rural landscape at the junction of two rivers.

The assessment identified significant features within Oaks Estate, the majority of which are elements within the public realm. Some of these features include:

- the historic Oaks Estate subdivision, including blocks and street layout
- rural views along the river corridor in both directions to the railway bridge, and to the distant ridgeline
- the surviving evidence of the river crossing at the bottom of River Street including the natural topographical section through the river and both embankments, and
- the historic connection between Yass (Pialligo) Road and the Queanbeyan Railway Station, across the Molonglo River and along River Street.

These elements are not reliant upon heritage listings to be conserved, but form an integral part of Oaks Estate. The significant features and recommendations made in the heritage assessment provide a basis for the development of the master plan's vision, character statement and strategies.

Independent of the master plan, the Heritage Council will make decisions on the existing heritage nominations. As an independent body, the Council makes its decisions based on a range of factors and information and may not agree with all of the conclusions contained in the heritage assessment carried out for this master plan. The heritage

assessment is informing the Council's consideration of heritage nominations for Oaks Estate.

The Oaks (Section 2 Block 16, 19 and 22) and Robertson House (Section 7 Block 11 and 12) have been provisionally registered and once public consultation has been considered, the Heritage Council will make a decision on the final registration of these places.

The Council is currently assessing the nomination of Oaks Estate Heritage Precinct for heritage registration. All development applications are currently referred to the Heritage Council for advice. If Council makes a decision to register Oaks Estate as a precinct, it is anticipated the Council may also prepare heritage guidelines for the precinct in conjunction with this master plan. The heritage guidelines would then be used by the Council to provide advice on development, and to assist developments in addressing heritage considerations.

### 3.5 Demographics

The population of Oaks Estate declined by approximately 21% between 2001 and 2006, from 308 to 242 people. Since then, the population has increased slightly to 259. There is a higher proportion of male to female in the area, approximately 64% male to 36% female. The unemployment status is 10.6% of the population, compared to 3.6% in the ACT. Car ownership is quite low compared to the ACT as 28% of households do not own a motor vehicle compared to 6% in the ACT. About 62% of households are single person, compared to 23% in the ACT. Over 40% of dwellings are public housing. Single parent families represent about 27% of families compared to 15% in the ACT.

The imbalance between males to females, the unemployment rate and lack of car ownership is indicative of an area of locational disadvantage.

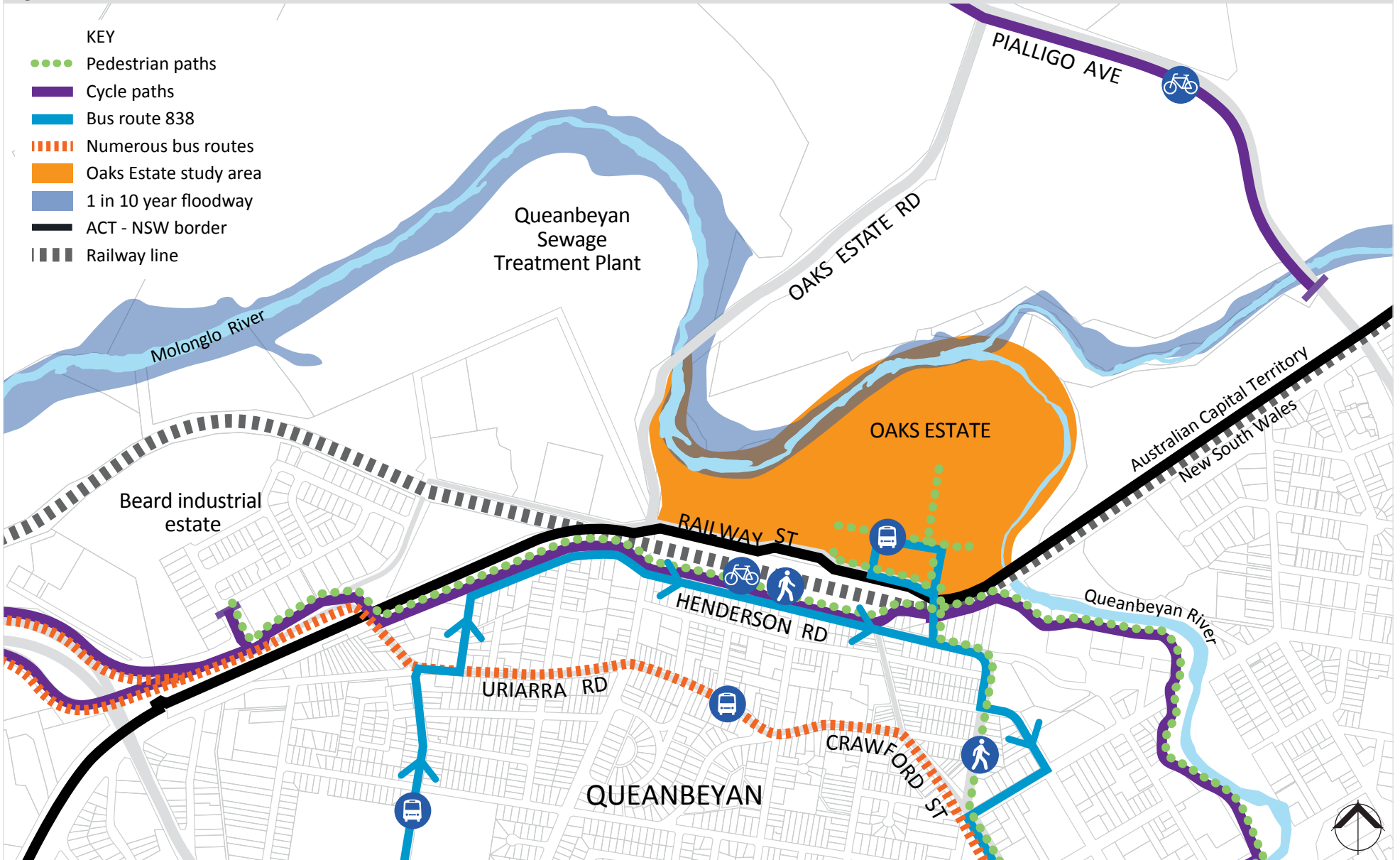
The public housing located in Oaks Estate was built in the 1970s and are predominantly bedsits or one-bedroom units, making it extremely difficult for different family structures to occupy. Over recent years, with the help of Samaritan Services (St Vincent de Paul Society), tenancy rates in the public housing sites have improved, but are still mainly single male households. Figure 9 provides a snapshot of the demographics and land use of Oaks Estate.

**Figure 9: Snapshot of Oaks Estate**

<b>Population</b>	<b>259 people</b>
Female 36%	92
Male 64%	167
<b>Median age of persons</b>	<b>39 years</b>
<b>Households</b>	<b>181 dwellings</b>
Occupied 86%	155
Unoccupied 14%	26
<b>Average household size</b>	<b>1.7 people</b>
<b>Median household income</b>	<b>\$778 per week</b>
<b>Dwelling structure</b>	
Separate house	38%
Semi-detached, row or terrace	7%
Flat, unit or apartment	55%
<small>Source: ABS Census 2011</small>	
<b>Public housing</b>	<b>78 dwellings</b>
Units	77
House	1
(50 units are bedsits or one-bedroom units)	
<b>Scale of the village</b> (based on overall building footprints)	
1–2 storey houses/semi-detached	74%
2–4 storey flat, unit or apartment	26%
<small>Source: ACT Government Projections 2014</small>	



**Figure 10: Movement and connections around Oaks Estate**





### 3.6 Movement and connectivity

There are three main approach routes into Oaks Estate; via Oaks Estate Road or Canberra Avenue in the ACT, or via Crawford Street in Queanbeyan (Figure 10). Oaks Estate Road is a convenient shortcut into Oaks Estate from the ACT.

However, during heavy rains the road is frequently flood affected where it crosses the Molonglo River. The bridge and road are gated to stop traffic when the river is flooded with travellers needing to re-route to Canberra Avenue or Yass Road, an inconvenience for residents and local businesses.

#### 3.6.1 Entry points

Oaks Estate has two entries. The ACT entry is at the junction of Oaks Estate Road and Railway Street and is a signalised intersection. The NSW entry is at the junction of Railway Street and McEwan Avenue and crosses the rail line as a bridge overpass.

There are limited gateway markers at these two points to create a visual experience or a sense of arriving at Oaks Estate.

#### 3.6.2 Public transport

Car dependency has been raised as a concern by residents and community organisations working in Oaks Estate. This is due to limited public transport options for Oaks Estate residents, particularly affecting public housing tenants.

The Queanbeyan-based bus 838 services Oaks Estate three times a day on school days only. This bus route travels a loop within Queanbeyan and stops at the interchange in Queanbeyan and then connects to other buses.

The Queanbeyan Local Link is an additional on-demand service that will pick up travellers from the Hazel Street bus stop and take them to their destination within Queanbeyan (Figure 10). There is also the option to walk 10 minutes to a main bus stop on Crawford Street in Queanbeyan, where there are more frequent services.

There is no ACT bus service into Oaks Estate and further investigations have found a fixed bus service would be unviable at present due to the small population numbers. The ACT Government is currently trialling a demand responsive flexible bus service to better meet transport needs of the aged, people with disabilities and other transport disadvantaged communities. There may be opportunity to extend flexible transport options to Oaks Estate to provide increased services. More information can be found at [www.action.act.gov.au](http://www.action.act.gov.au).

#### 3.6.3 Active travel

Pedestrian and cycle connections from Oaks Estate to established areas are incomplete and there are limited travel options for residents (Figure 10).

There is a cycling path outside Oaks Estate in NSW and the ACT. An off-road path adjacent to Canberra Avenue follows the rail line heading into the ACT towards Fyshwick. There is also an on-road cycle path on Pialligo Avenue connecting to the Canberra Airport and Lake Burley Griffin. However, there are no connections from Oaks Estate to Pialligo Avenue and into Queanbeyan.

Pedestrian facilities provided within Oaks Estate are limited but similar to other low density suburban areas and rural villages with low rates of traffic and localised pedestrian activities. Path connections to the wider surrounds will need to be considered through further investigation as there are opportunities to improve pedestrian and cycle connections as alternative forms of active travel.

#### 3.6.4 Road network and traffic

The existing road network is a grid arrangement with some through roads and cul-de-sacs. The main through road is Railway Street, which is both an entry to the suburb but also a quick by-pass into Queanbeyan for cars and heavy vehicles, commonly described as a 'rat run'. All other streets are predominantly used by local businesses and residents.

All streets with the exception of Hill Street are sealed. The pavement width is narrow and some streets cannot accommodate on-street parking. Most streets have wide verges which are lined with street trees.

Hazel Street runs east-west and is a strong axis between two historic buildings – The Oaks and Robertson House. Gillespie Park and the community garden front Hazel Street.

River Street, now a cul-de-sac, was the historic entry to Oaks Estate and connected Queanbeyan Railway Station and yard with Yass Road via a river ford. A large number of dwellings along this road date from the early 1900s and have been considered as places with potential individual heritage significance.



### 3.7 Accessibility to ACT and NSW services

Oaks Estate has large retail and commercial services within convenient driving distances. It is about 15 minutes drive from Majura Park and Pialligo, 10 minutes drive from Fyshwick and 5 minutes drive from Beard industrial estate or Queanbeyan CBD. However, approximately 25% of the residents do not own a private vehicle to access these retail areas. Oaks Estate used to have a small store for basic daily needs but it struggled to survive.

The nearest community and health facilities in the ACT are in Narrabundah. This creates issues for more vulnerable residents without a car to access social and medical services. Currently, St Vincent de Paul Society offers assistance to public housing tenants in organising transportation to services when needed.

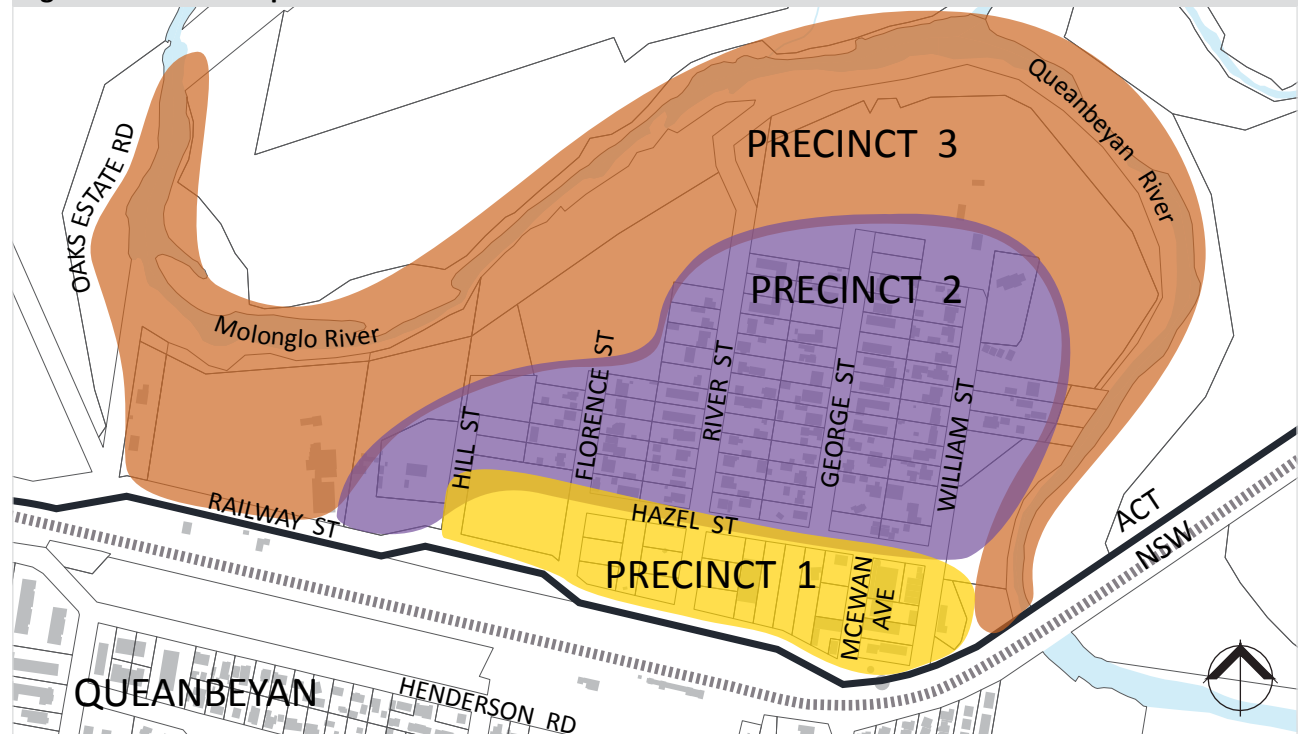
Despite Oaks Estate being located close to the Queanbeyan CBD, accessing services for many residents remains an issue.

### 3.8 Infrastructure

The existing water infrastructure is adequate for the existing population. Some upgrades may be required for any additional development in Oaks Estate, and will need to be considered in line with future budget considerations as development occurs.

Existing sewer infrastructure, including the Oaks Estate pumping station and Queanbeyan Sewage Treatment Plant (STP), has limited capacity to accept additional flows. ACTEW Water has determined that no sewerage mains would require augmentation; however, the pump station is

Figure 11: Identified precinct areas in Oaks Estate



operating at capacity. Both a new pump station and emergency storage tank would be required for any future development, and will need to be considered in line with future budget considerations as development occurs.

QCC have advised that the existing STP is at capacity and the Council is currently in the process of increasing its capacity. The upgrade is expected for completion in 2020. The STP would ultimately be able to accept additional sewer flows from within Oaks Estate when the STP and Actew Water sewage pump station are upgraded.

The electricity network supplying Oaks Estate is also operating at full capacity. ActewAGL will consider new small loads for future developments on a case by case basis. The new East Lake Zone substation has capacity to supply Oaks Estate. However, feeder cables would need to be installed from the substation to Oaks Estate and electrical infrastructure would need to be upgraded to cater for future development. Further investigation would be required to determine how this could be delivered and in context of future budgets.



*Light industrial workshops on William and Hazel streets*



**Figure 12: Precinct 1 – Village Core analysis**





## 3.9 Character precincts

Three distinct precincts have been identified within Oaks Estate: Village Core, Historic Residential, and River Landscape (Figure 11). These precincts each contain specific issues and characteristics which, as a whole, tell the story of Oaks Estate.

### 3.9.1 Precinct 1: Village Core

The Village Core is the central area of Oaks Estate. It encompasses a mix of urban open space, community uses, light industrial and residential. Larger built form is a key characteristic of the eastern side of the Village Core (Figure 12).

#### Heritage

Historically, River Street was the main access and trade route from Oaks Estate and Queanbeyan into Canberra. It is therefore important to maintain the vista down River Street and to the Queanbeyan Railway Station.

Robertson House (Section 7 Block 11 and 12) is provisionally registered to the ACT Heritage Register. The house's mix of building materials and its surrounding mature plantings are considered intrinsic features of the site and contribute to the overall character of Oaks Estate.

A number of other items in this precinct are considered to contribute to the urban village character of Oaks Estate, including the community hall, water tanks, bus shelter, Gillespie Park, and views towards Queanbeyan Railway Station (Figure 8).

#### Land use

The Village Core is a mixed-use precinct comprising light industrial developments, residential units, townhouses and houses, a liquor store, a former corner store, Gillespie Park and a community garden. The light industrial sheds along William Street are used by people working in creative industries, such as metal sculpting and antique furniture restoration. This kind of land use is highly supported by the community and is considered a characteristic of Oaks Estate. There are approved plans for townhouses within the old service station site, which is currently being remediated for development. There are a number of unleased government sites that have been proposed for release for development as residential and/or mixed use.

#### Built form

Due to the mix of uses, the built form varies from residential to light industrial buildings and sheds. The buildings are generally single storey but the industrial buildings tend to have a bulky two storey volume. The materials vary widely from face brick to fibre cement. One building on the corner of Hazel Street and McEwan Avenue is unfinished and there are numerous vacant lots in the precinct, which give the area an unfinished feel.

There is opportunity in the Village Core to provide slightly bulkier built form than the single storey residential, due to the larger buildings already present in the area.

#### Public realm

The Village Core comprises three public spaces: the street, Gillespie Park and the community hall.

McEwan Avenue is considered the main street of Oaks Estate. However, there is no clear sense of arrival and a lack of formal gateway markers at the entry of Railway Street–McEwan Avenue.

Historically, River Street was the primary thoroughfare through Oaks Estate. However, McEwan Avenue acquired this role due to its proximity to the railway station and connection into Queanbeyan. The street has one of the few footpaths in the suburb.

The streets appear tired and incomplete. Some street trees have been planted which help to soften the streetscape.

The only community building in Oaks Estate is the community hall. The community hall is somewhat disconnected from the main public space in the Village Core. Physically, it is situated at the end of William Street, adjacent to some light industrial buildings, with no connecting footpaths or built form to the rest of the Village Core.

The area around Gillespie Park is a combination of vacant lots, a park, community garden and a single light industrial building. There is a lack of a distinctive boundary to define Gillespie Park from nearby unmarked vacant lots, which could create some confusion as to what constitutes the public open space and government land for possible future release.

The community garden was one of the first in the ACT, and is operated by the Canberra Organic Growers Society. Care of the community garden varies year to year depending on membership numbers.



**Figure 13: Precinct 2 – Historic Residential analysis**





### Movement and connectivity

There are community concerns about traffic volumes, speed and safety issues along Railway Street, McEwan Avenue and Hazel Street. The recorded crash history for the past five years indicates ten crashes in total along the length of Railway Street, with two at Oaks Estate Road–Railway Street intersection, two at Florence Street–Railway Street intersection and three at McEwan Avenue–Railway Street intersection.

While the speed limit is set at 60km/h along Railway Street, the lack of signage, buildings and other natural traffic calming indicators tends to encourage vehicles to speed. This has been an issue for people who use the narrow road to cycle or walk to nearby services, and for children playing in an adjacent playground without a gate.

There has been a substantial increase in through-traffic along Railway Street, from approximately 690 vehicles in 2009 to 4,600 in 2013 according to recent traffic counts. Due to this large increase in vehicle movements, it would be beneficial to investigate better active travel connections and traffic calming along Railway Street.

Public car parking within Oaks Estate consists of informal on-street parallel parking. There is no formalised car parking for the liquor store, Gillespie Park or the community garden. Visitors tend to park informally on the vacant adjacent lots, which creates issues with pedestrian safety and line of sight that might be exacerbated by future development.

### 3.9.2 Precinct 2: Historic Residential

Oaks Estate predominantly consists of the residential precinct (Figure 13). While there are buildings that are not considered historic, this area demonstrates much of the history of Oaks Estate.

#### Heritage

This precinct encompasses numerous buildings constructed before the establishment of the Federal Capital Territory and the leasehold system. The heritage assessment undertaken for the master plan considers a number of places to have potential individual significance, and numerous others as contributing to the urban village character.

‘The Oaks’ homestead on Hill Street is currently provisionally registered for heritage listing. While the site is now privately owned, it has transitioned between a variety of uses including a licensed inn with a shop, doctors’ offices, homes to a number of colonial families (including a Queanbeyan mayor), a small dairy and milk delivery company, and headquarters for the Garrison Battalion during World War II.

#### Land use

The main land use in this precinct is predominantly low density residential, with some medium density dwellings, which are mostly public housing. Many lots contain ancillary structures such as sheds and garages. Some lots contain secondary residences such as granny flats and home businesses.

### Built form

The built form comprises 62 detached residential dwellings, 3 semi-detached dwellings, and a number of multi-storey residential walk-up flats located in River Street and George Street (Figure 13).

The detached dwellings are predominantly one and two storey, with a variety of building styles from modest cottages built in the early to mid 1900s to the suburban brick veneer houses of the 1970s and 80s. The residential flats are generally two to three storey brick walk-ups built in the early 1970s. Built under the freehold system with little regulation, the sizes and private space amenity are unlikely to meet current dwelling standards.



*Multi-storey residential walk-up flats*



Figure 14: Street trees within the Historic Residential precinct



There is a diverse mix of materials used in buildings including weatherboard, fibre cement and rendered brick or face brick. Some homes were relocated here from other areas of Canberra and some were built from scrap materials that could be found at the time, due to the materials shortages. There is also a number of new and renovated houses.

Buildings have a mix of setbacks with mature plants surrounding residences. Carports and garages are generally set back or hidden from the street.

### Public realm

The public realm within the historical residential area comprises the streets and parkland.

The streets are lined with mature trees, with each street deliberately planted with a uniform species, a characteristic of Oaks Estate (Figure 14).

With the exception of Hazel and George streets, the streets have no footpaths. The Hazel Street footpath connects to McEwan Avenue, the bus stop and Florence Street. There have been safety and noise concerns regarding the intersections of George Street, Hazel Street and McEwan Avenue. Currently, there are no indicators to direct traffic at these intersections.

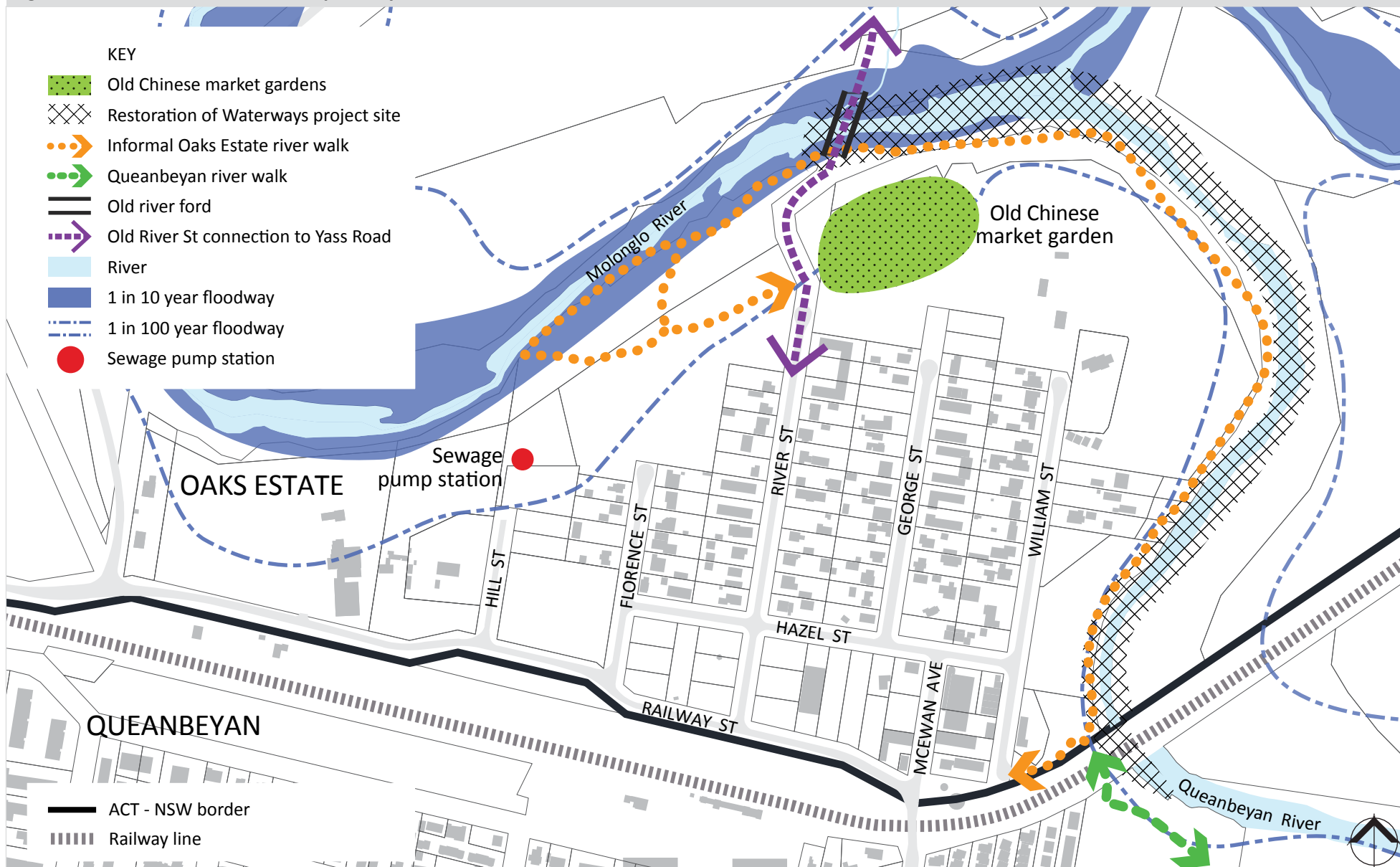
The park on William Street is an elevated open space that overlooks the river and the railway bridge. This space encompasses an area with some play equipment and is a naturally vegetated green space. This open space is important to the community of Oaks Estate, and was donated by Captain Bede Tongs, a long-time resident and president of the Oaks Estate Progress Association in the 1950s and 60s.



*Example of a modest cottage in Oaks Estate*



Figure 15: Precinct 3 – River landscape analysis





### 3.9.3 Precinct 3: River Landscape

The Molonglo and Queanbeyan rivers and surrounding rural setting is considered an important landscape character of Oaks Estate (Figure 15).

#### Heritage

The river corridor and areas north of the Molonglo River contain a number of Aboriginal artefact sites, indicating the historic cultural connection of the local Aboriginal groups to the area. The local Aboriginal groups will need to be consulted prior to any ground works in relation to the river corridor.

The river and surrounding land was an important part of early industries in Oaks Estate. Sometime in the 1880s or 90s, a Chinese market garden was established on the western part of Section 14 at the bottom of River Street. It took advantage of the rich soils in the alluvial river flats and the transport links up River Street to Yass Road. While the market garden is no longer there, the current nursery use and the connection with River Street reinforce this historic link. The location of the old river ford and original road embankment can be seen at the river's edge.

The river was also used to produce power for the Queanbeyan Roller Flour Mill and to provide water for other activities such as tanning and wool scouring in Oaks Estate.

#### Land use

Land uses in this precinct have been defined by topography and the river, with limited development due to flood constraints. Zoned as NUZ2 – Rural and NUZ4 – River Corridor, there are vacant paddocks, a wholesale nursery and a wholesale flower company.

#### Built form

The built form in this precinct predominantly consists of agricultural and warehouse buildings. There are two single-storey houses at the corner of Oaks Estate Road and Railway Street. The buildings are not generally visible from the streets as they are behind fencing or vegetation or sit below the hill.

#### Public realm

Public realm in the river corridor largely comprises an informal river walk. This area was previously characterised by a mix of native and exotic vegetation including willows. Following a flood in late 2010, the ACT Government, under the Restoration of Waterways Project, began cleaning up willow debris and rehabilitating land in this area. With help from Greening Australia and successful community planting and watering days, the river corridor has the potential to become a well-used recreation space by the local community.

#### Movement and connectivity

Connections to the riverfront are not visible from any streets and are difficult for visitors to find. One of the main connections is an informal track that links from McEwan Ave, past the historic water tanks and community hall, alongside the rail line.

The other connection is located at the end of River Street. There is opportunity to improve the access points to this precinct and the potential to connect the riverfront walk to the cycling and walking track along Queanbeyan's riverfront.

#### Infrastructure

A goal of the Molonglo River Rescue Action Plan (2010) for this section of the river includes passive recreation facilities such as walking, cycling and non-powered boating from Queanbeyan to Lake Burley Griffin. Interpretive signage to develop a heritage river walk could also be a possibility.

There may also be opportunities to consider incorporating other goals of the action plan within Oaks Estate such as green infrastructure (gross pollutant traps or a wetland) to intercept sediment and pollutants from surrounding Oaks Estate and Queanbeyan. This will be subject to future budget considerations.

Artist's impression of Oaks Estate





## 4. Challenges and opportunities

Figures 16 and 17 summarise the challenges for Oaks Estate and proposed opportunities for progress and growth. They have been informed through background studies, public engagement and analysis of planning and design issues.

### 4.1 Challenges

- Locationally disconnected from Canberra, the community lacks easy access and travel options to ACT services. Oaks Estate relies on Queanbeyan for access to services such as public transport and shopping.
  - The Queanbeyan railway land north of the railway line is accessed via ACT roads. Recently rezoned for light industrial use, there are potential traffic and access issues to this site if it is developed in the future. Any light industrial redevelopment may also impact on Oaks Estate's character and nominated heritage places.
  - Railway Street is used as a by-pass by cars and trucks between Canberra and Queanbeyan and traffic volumes have increased significantly over the last few years.
  - Heavy rain and flooding can cause issues on Oaks Estate Road, which impacts on Oaks Estate businesses and convenient access to their services. Flooding can also affect the sewage pump station, causing sewage to flow into the Molonglo River.
  - Queanbeyan Sewage Treatment Plant and Oaks Estate sewage pump station, in addition to electricity, are at capacity and would require upgrading prior to any future development.
- The higher density housing, particularly the three to four storey public housing, is aged and of poor architectural quality. The low levels of public transport and distance to services are a key issue for managing the assets.
  - The ACT Heritage Council is currently assessing the overall nomination of Oaks Estate as a heritage precinct (Figure 8).
  - Robertson House is provisionally registered and new development on adjacent sites may need to provide buffers to Robertson House.

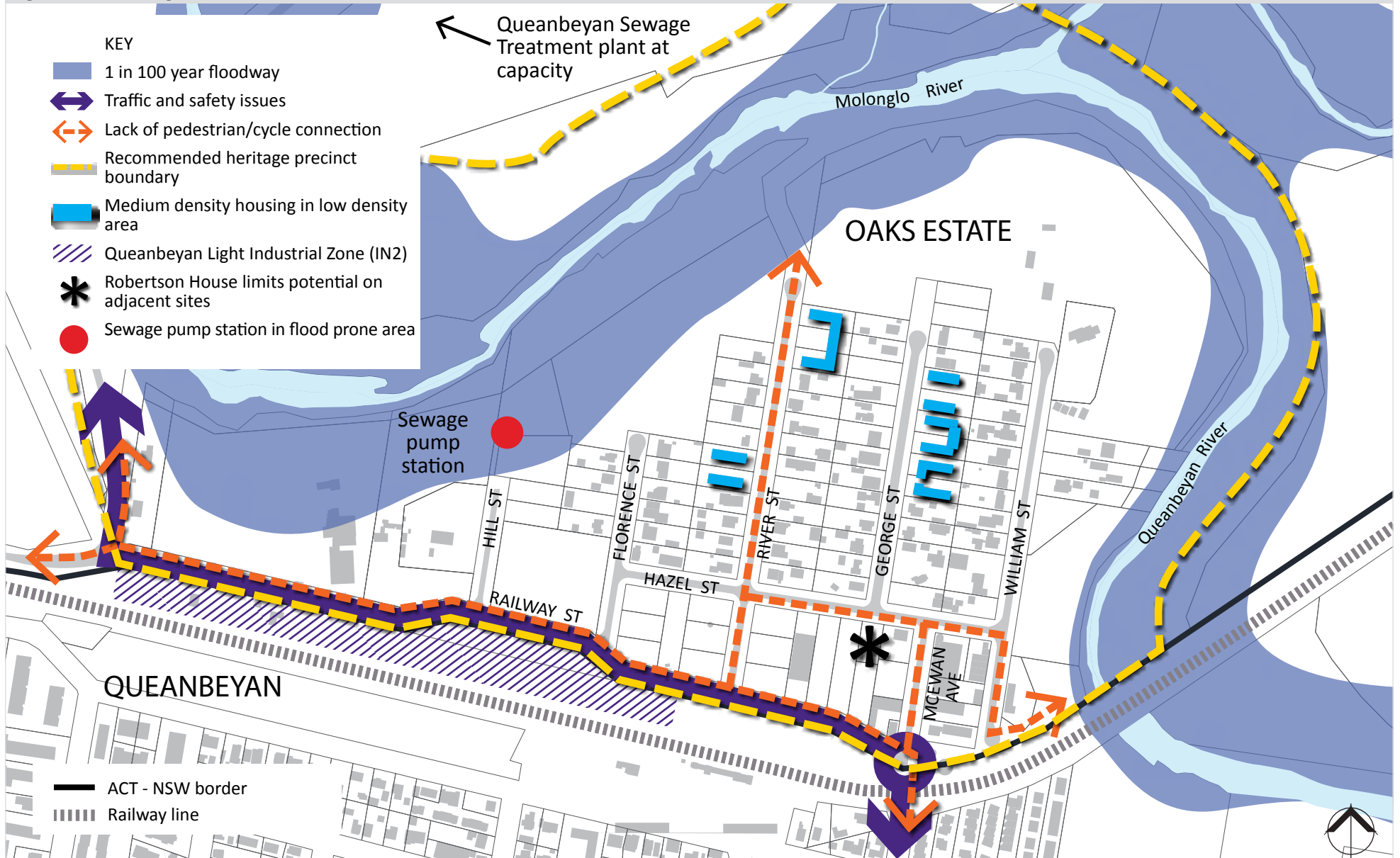
### 4.2 Opportunities

- Enhance the heritage story of Oaks Estate through promoting key heritage sites, views and vistas, and improving pedestrian linkages.
- Develop entry markers via landscaping, art work and signage to provide a sense of arrival into Oaks Estate.
- Develop McEwan Avenue as the main street and entry point into Oaks Estate.
- A number of vacant sites can provide opportunities for appropriate new development.
- New development that occurs between Railway Street and Hazel Street can provide a transition in scale and density between old and new.
- Work with Queanbeyan City Council and Transport for NSW to develop outcomes on the Queanbeyan railway site that complement the intentions of the Oaks Estate master plan.

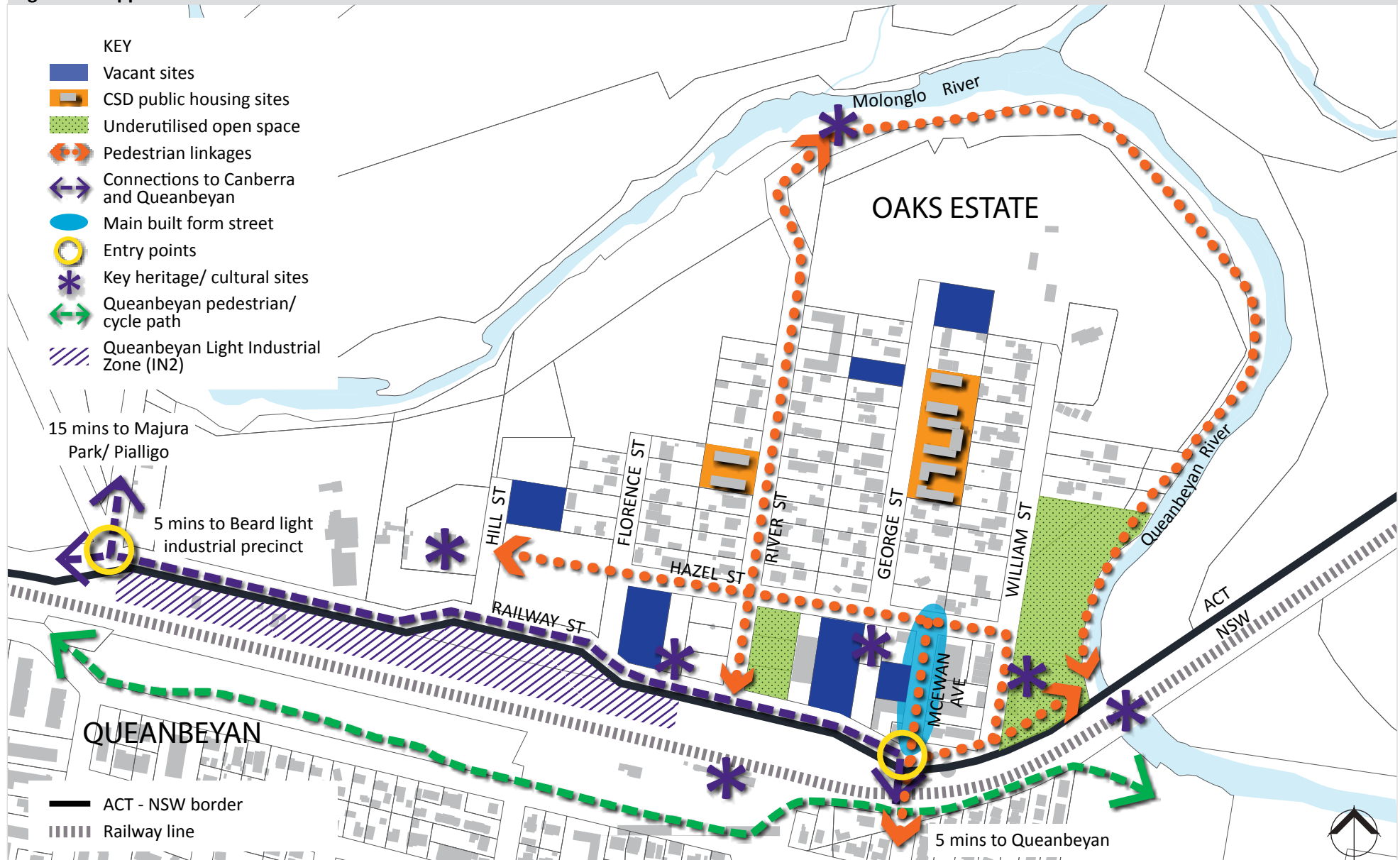
- Path connections to Canberra and Queanbeyan can be improved for cycling and walking.
- In the longer term, the medium density public housing sites offer redevelopment opportunities that can deliver more sustainable housing forms and design standards.
- As development occurs, identify opportunities to improve the amenity and public use of underutilised open space in the village (Figure 17).



**Figure 16: Challenges within Oaks Estate**



**Figure 17: Opportunities within Oaks Estate**



*Artist's impression of the Village Core, River Street and Queanbeyan Railway Station*





## 5. The master plan

### 5.1 Vision

It is the master plan's vision that:

*New opportunities for growth and change can be supported while maintaining the history and character of Oaks Estate, its setting and association with the Molonglo and Queanbeyan rivers.*

### 5.2 Character statement

Oaks Estate is a highly intact early 20th century urban village. It is situated in a picturesque rural setting at the confluence of two rivers, yet is only a few minutes drive from Queanbeyan or the suburbs of Canberra. The village is bounded by the railway line with views to the historic Queanbeyan Railway Station and the railway bridge.

Its unique history illustrates many themes in the development of NSW and the ACT. These are evident in the eclectic mix of built form, from the relocated workers' cottages to the residential flats and light industrial buildings. The built form is brought together by the mature vegetation of the streets and the surrounding rural landscape. There is potential, with new development, to manifest and enhance this character more prominently in the built form and elements of the public realm.

### 5.3 Planning principles

The following principles are applied to guide the implementation of the master plan, its vision and strategies. The principles reflect the future desired outcomes for the village.

#### 5.3.1 Principle 1: Maintain and enhance the existing character

Oaks Estate is characterised as a village in a mature landscape with an eclectic mix of built form and land use. Several significant features are intrinsic to Oaks Estate's identity and unique character and future development of the area should have regard to them:

- The Oaks and its associated block, including mature plantings, fence lines and outbuildings
- Robertson House and its associated block including mature plantings, fence lines and outbuildings
- rural views along the river corridor in both directions—to the railway bridge, and to the distant ridgeline
- the historic Oaks Estate subdivision, including blocks and street layout
- buildings, places and elements (fences, landscaping) which contribute to the early 20th century suburban village character
- the surviving evidence of the river crossing at the bottom of River Street including the natural topographical section through the river and both embankments

- the use of the river flats for agricultural purposes
- the historic connection between Yass (Pialligo) Road and the Queanbeyan Railway Station, across the Molonglo River and up River Street.

#### 5.3.2 Principle 2: Provide Oaks Estate with new opportunities for sustainability, growth and change into the future

In selected areas new development opportunities will further enrich Oaks Estate's existing village character.

The heritage nomination of Oaks Estate as a precinct is not intended to stop the village in time, but to maintain what is valued and add what is needed, in a complementary way. New land uses could build on well-supported uses that are already there and future aspirations articulated by the community, such as:

- environmental and sustainable design of the built form
- community gardens for local food production
- landscaping as a key element of building frontages and the public realm
- creative arts and artisan-type activities and uses
- a destination for visitors interested in heritage and river recreation
- heritage values articulated in uses and built form.





### 5.3.3 Principle 3: Develop a sense of entry and arrival into Oaks Estate

Articulating built form and streetscape at key entry sites will create a sense of arrival at Oaks Estate. Marking an entry to Oaks Estate gives it a boundary and promotes the village; it identifies and makes visible to passers-by, visitors and the community that this place is valued and of importance.

The entry sites identified for Oaks Estate are at McEwan Avenue–Railway Street intersection and Oaks Estate Road–Railway Street intersection.

An entry could be formed from anything that is visible from all lines of approach such as building frontage, strong formal landscaping, a sculptural element, artwork or signage.

### 5.3.4 Principle 4: Enhance connectivity and accessibility into and out of Oaks Estate

Improving pedestrian and cycle access to Oaks Estate will allow more people to use active travel as an alternative to vehicles. Connections into the ACT and NSW walking and cycling network are encouraged.

New development could provide off-site works for footpaths and public realm that connect to key village areas such as the bus stop on Hazel Street, Gillespie Park and McEwan Avenue.

### 5.3.5 Principle 5: Improve the recreational and environmental value of the Molonglo and Queanbeyan river corridor

The river corridor is a significant feature that contributes to Oaks Estate’s character and identity. As this area includes the end of the Queanbeyan River and is part of a larger river system that connects to Lake Burley Griffin, there could be future opportunities for water sensitive urban design measures, such as treatment for stormwater runoff. Conservation and maintenance of this river corridor and opportunities for future recreational uses should be encouraged, such as river walks, bird watching, canoeing and cycling.

## 5.4 Spatial framework

The master plan incorporates the vision and principles, and responds to the identified challenges and opportunities. The spatial framework illustrates how Oaks Estate could physically adapt into the future (Figure 18).

## 5.5 Planning strategies

The planning strategies are informed by the vision and planning principles in the previous sections. They provide direction and guidance for the future development of Oaks Estate over the long term, considering the broad range of issues identified in the background and analysis.

The planning strategies identify opportunities for private sector investment and improvements within the village. Where capital investments are identified, they will be subject to consideration by the ACT Government through future budget processes.

### 5.5.1 Precinct 1: Village Core

#### **Outcome 1: The Village Core as a liveable and sustainable hub for the community**

Enhance the amenity and sustainability of Oaks Estate with new development in the Village Core that provides housing choice, adaptable working/living space opportunities and accommodation for small-scale businesses and craft workshops. Some light industrial uses next to residential uses can create challenges in terms of noise and odours and therefore will be limited in the future.

Articulated built form and landscaping of the Village Core will reference Oaks Estate’s historic and natural features. This will help to retain the existing fine-grain character of the village and integrate it with its surroundings (Figure 19).

Relevant principles: 1, 2, 3, 4

#### **Strategies**

- Encourage more diversity in use and building types, in particular various housing types, adaptable working/living space and small-scale business opportunities that complement the existing fine-grain character and landscape setting of Oaks Estate.
- Encourage an entry element at the McEwan Avenue–Railway Street intersection to create a sense of arriving into Oaks Estate village. An entry element could be simply formal tree plantings, signage or even enhancing the existing water tower as a sculptural piece or artwork due to its visibility from all directions. When developing the entry elements, it will be important to involve the community and local Aboriginal groups in the process.



**Figure 19: Precinct 1 – Village Core strategies**

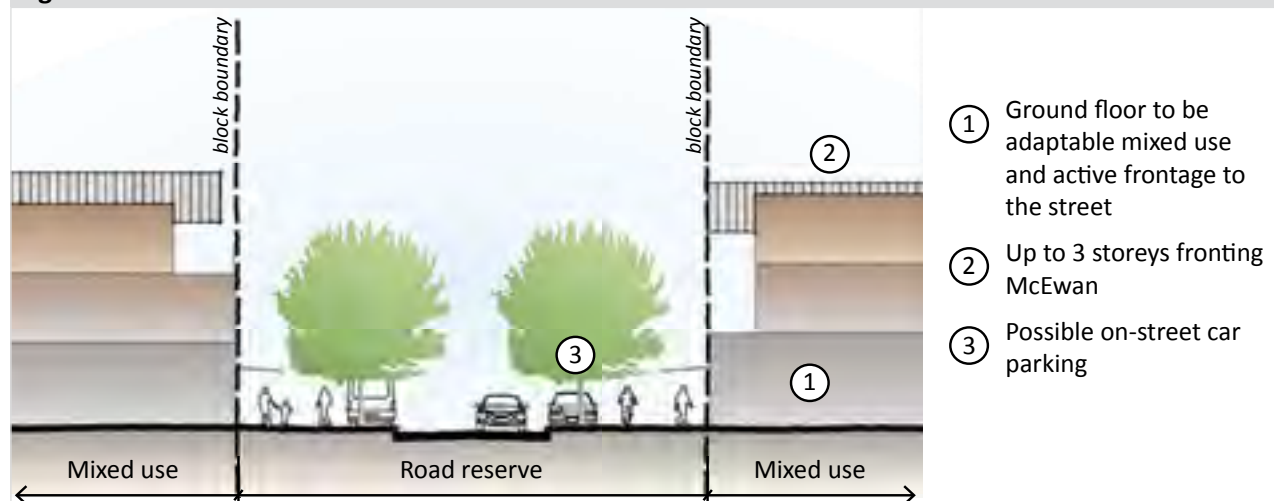


- Develop McEwan Avenue as the main street for business activity and social life. Although it is the street with the most built form, improvements can be made over time to provide more active frontage and a consistent streetscape (Figure 20).
- Enhance River Street between Hazel Street and Railway Street as the historic connection and vista to Queanbeyan Railway Station by encouraging a consistent streetscape, such as uniform tree plantings.
- Develop new built form to front Railway Street, promoting the principles of sustainability, such as passive solar design, water sensitive urban design and passive surveillance.
- Enhance Gillespie Park as a recreational and gathering space for the community by formally incorporating the open space on the eastern side of River Street.
- Investigate pedestrian and cycling connections from the Village Core to its surrounds to better connect Oaks Estate with Henderson Road in Queanbeyan and link it to Pialligo, Beard industrial estate, Fyshwick and Canberra.
- Investigate traffic calming and priority measures along Railway Street, particularly at McEwan Avenue–Railway Street intersection.
- Explore future flexible transport options to better connect Oaks Estate to ACT services.
- Where possible require developer contributions for off-site works in the mixed-use zone to improve the public realm and pedestrian connections as development occurs.
- Prior to the release of any vacant land, feasibility studies into the upgrading of the Oaks Estate sewerage and electrical infrastructure are required.

### Planning policies

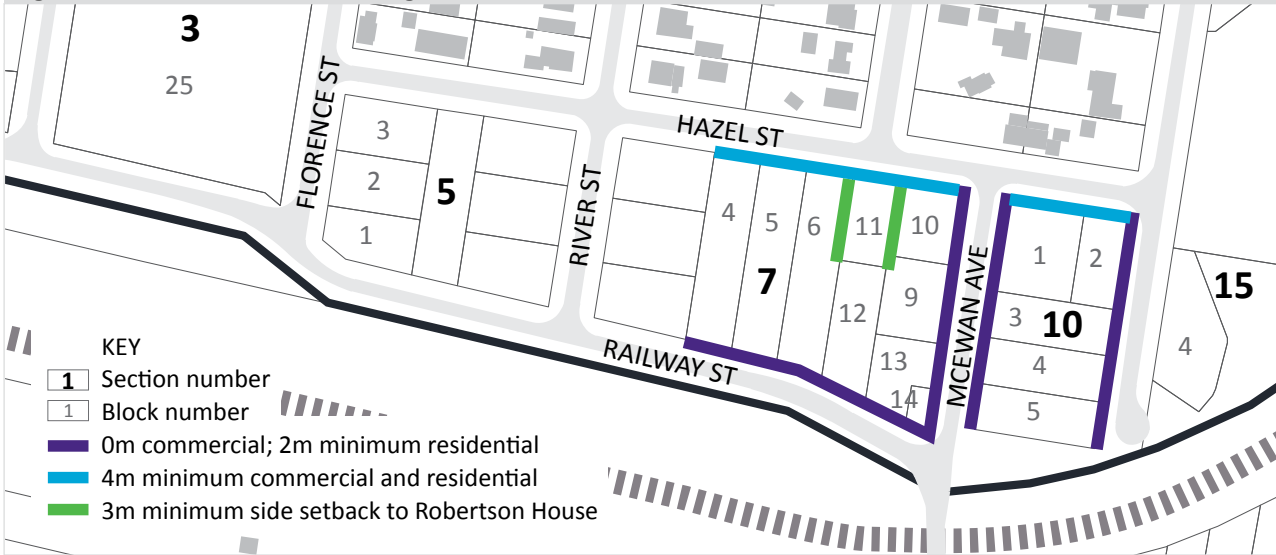
- Retain existing mixed-use, urban open space and residential zoning in the area. Rezone the community hall site (Section 15 Block 4) to Community Facility (CFZ) to allow more flexibility in maintaining and expanding community uses in the future, if required.
- Retain permitted use of light industry and warehouse on existing blocks only (Section 10 blocks 1-4; Section 7 blocks 4 and 13) in the mixed-use zone (CZ5). Remove these uses from all other blocks zoned CZ5.
- Retain small-scale craft workshops as a permitted use on all of Section 10, Section 7 blocks 4-6 fronting Railway Street, and blocks 12-13 fronting Railway Street and McEwan Avenue. These uses should provide active frontage to these streets where possible.
- Discourage rear-facing development to William Street.
- Permit non-retail commercial (offices), such as shops and restaurants on blocks fronting Railway Street and McEwan Avenue. These uses should provide active frontage to these streets where possible.
- Front building facades should vary their building articulation if they run more than 10 metres in length to ensure a finer grain aesthetic in the Village Core.
- Front building setbacks should be minimum of zero metres for commercial and two metres for residential along Railway Street and McEwan Avenue with requirements for windows and doors to provide active street fronts (Figure 21).

**Figure 20: McEwan Ave Street Section**



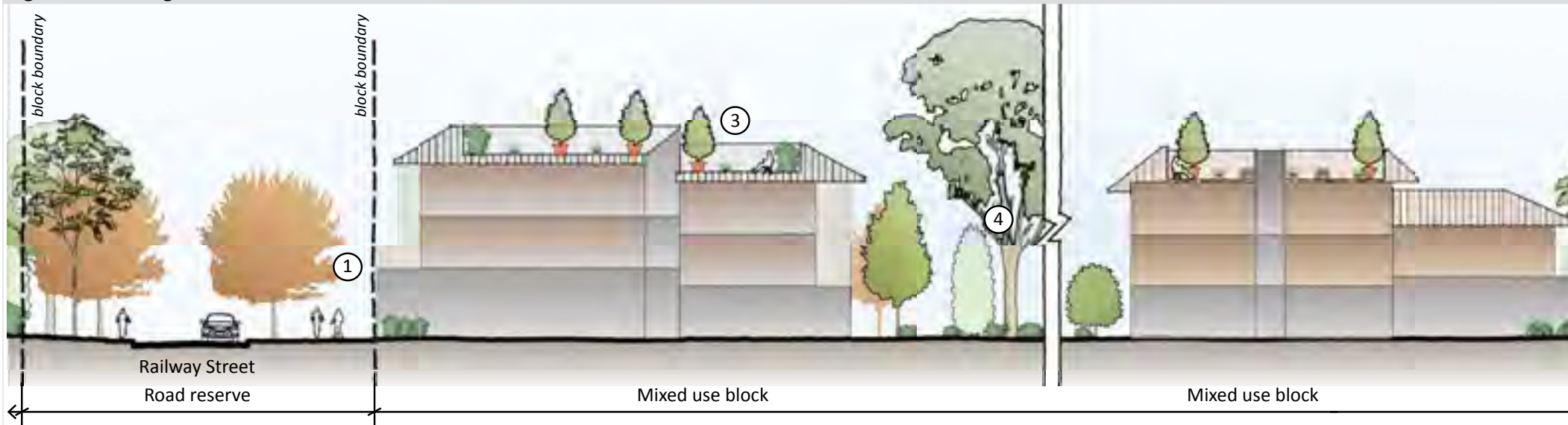


**Figure 21: Front and side building setbacks**



- Adaptable ground floor spaces are recommended in the mixed-use zone to allow for new uses as market demands i.e. ground floor to have a ceiling height that is suitable for commercial, residential or a mix of both.
- Building setback to be minimum 4 metres fronting Hazel Street for landscaping buffer to the adjacent historic residential area (Figure 22).
- Blocks adjacent to Section 7 Block 11 to have a minimum 3 metres side building setback to allow a sufficient buffer to Robertson House.
- Retain existing two storey (8.5 metres) maximum building heights with opportunities for moderate increases to three storeys (10 metres) along Railway Street and McEwan Avenue where it can be demonstrated there will be no significant

**Figure 22: Building setback**



impacts to neighbours or to the surrounding village character. Roof definition to be allowed above building height to ensure a variety of building forms.

- Retain the two-storey height limit fronting Hazel Street, to provide a transition between the Historic Residential and the Village Core areas.
- Make provision for on-site parking at or behind the building line. Where this is not achievable, provide landscaping to screen services and parking from the street.
- Introduce appropriate site coverage and open space controls in the precinct code to ensure sufficient open space and the village's landscape character is maintained on site.

- Ensure sufficient shade trees and other landscaping along the streets in the Village Core to provide amenity and retain the village's landscape character.

### 5.5.2 Precinct 2: Historic Residential

#### Outcome 2: The historical residential area will express and enhance the story of Oaks Estate

Retain the character of the historic low density residential area of Oaks Estate, its eclectic mix of built form, densities and the varied setbacks that are unified by the street grid and mature landscape setting (Figure 23). Some residential buildings may be heritage listed as time goes on, which will help Oaks Estate retain its existing character.

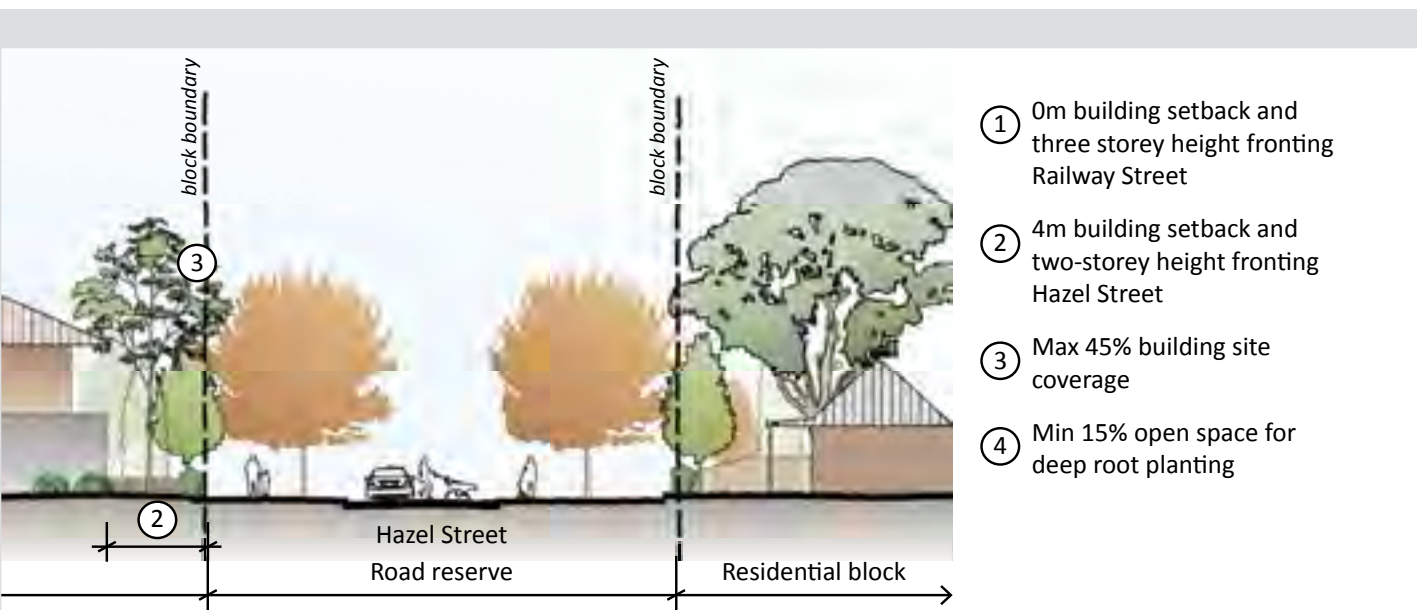
Relevant principles: 1, 2

#### Strategies

- Maintain the mature landscaped vegetation in the precinct, particularly along the length of River Street to the Queanbeyan Railway Station.
- Encourage built form that complements the historic features of Oaks Estate: the front fencing, front gardens and unobtrusive sheds and garages at the back (Figure 24).
- Existing medium density residential, if redeveloped, should be designed to protect the amenity of neighbouring sites and follow the existing block pattern.
- Building facades should vary their building articulation if they run more than 10 metres.
- Investigate traffic safety measures, such as stop signs and line markings, from McEwan Avenue into Hazel Street and George Street.

#### Planning policies

- Retain existing Suburban Zoning (RZ1) for the precinct and the existing controls.
- Existing development rights and heights apply to medium density housing in the area. Where possible retain the existing block alignment to reference the historic sub-division pattern.
- Front building setbacks can vary consistent with the existing mix, but not be less than the existing smallest setback.
- Design parking for residential development to be unobtrusive from the street either through screening or being set behind the building line.



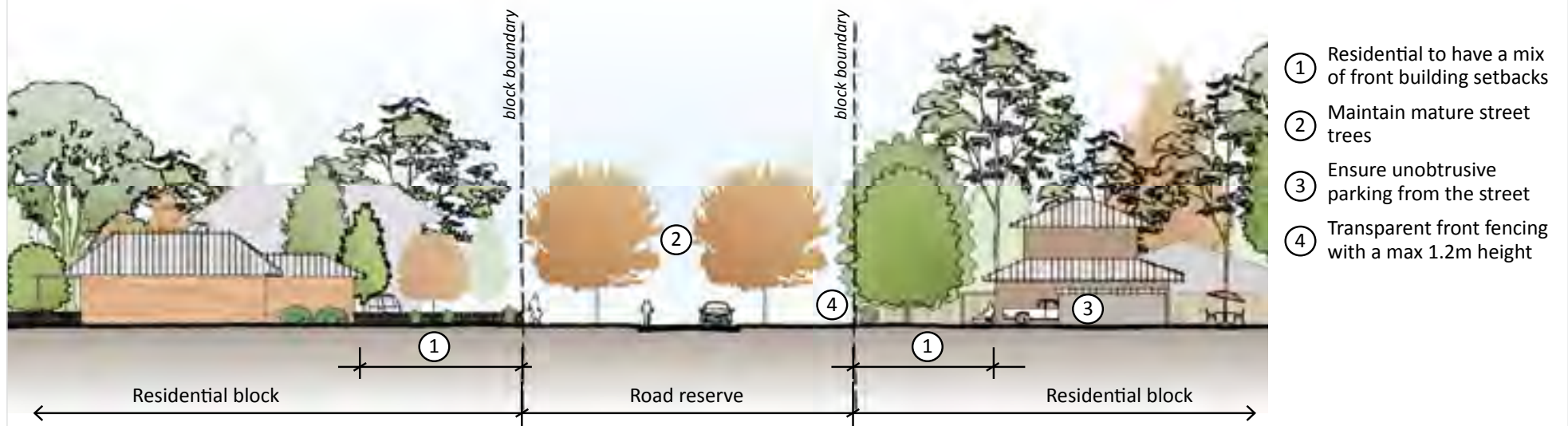
- ① 0m building setback and three storey height fronting Railway Street
- ② 4m building setback and two-storey height fronting Hazel Street
- ③ Max 45% building site coverage
- ④ Min 15% open space for deep root planting



Figure 23: Example of a Historic Residential area



**Figure 24: Example of a Historic Residential street section**



- ① Residential to have a mix of front building setbacks
- ② Maintain mature street trees
- ③ Ensure unobtrusive parking from the street
- ④ Transparent front fencing with a max 1.2m height

- Introduce appropriate site coverage and open space controls in the precinct code to ensure sufficient open space and the village's landscape character is maintained on site.
- Ensure sufficient shade trees and other landscaping along the streets in the Historic Residential Precinct to provide amenity and retain the landscape character.
- Front fencing is allowed up to 1.2 metres and should be designed to be transparent and to respect the existing character of the area. Dwellings should be visible from the street to provide passive surveillance and vegetation is encouraged to soften the streetscape.

### 5.5.3 Precinct 3: River Landscape

#### Outcome 3: Preservation and enhancement of the natural landscape

Enhance the recreational potential of the river corridor and investigate links to other recreation destinations such as Queanbeyan River walk. Maintain and manage the natural landscape, promoting better water quality, as part of the Molonglo River catchment. Relevant principles: 1, 4, 5

#### Strategies

- Where possible, continue to plant, manage and maintain the river corridor.
- Enhance the recreational possibilities of the river corridor through paths, signage, seating and canoe access.

- Investigate a new historic walk connecting the Village Core Precinct down to the River Landscape Precinct and to existing Queanbeyan recreation paths. This could incorporate heritage information signage about Oaks Estate.
- For any development, maintain view lines to key areas such as the railway bridge and the original ford at the end of River Street.
- Maintain and improve the natural landscape and investigate possible management of stormwater runoff from Oaks Estate and Queanbeyan into the river corridor.

#### Planning policies

- Retain the existing River Corridor and Rural Zoning in the Territory Plan.



*Queanbeyan River corridor looking north-west*



## 6. Recommendations for implementation

The master plan's strategies and planning policies can be implemented through:

- Territory Plan variations and a new Oaks Estate Precinct Code
- capital works to be considered in context of future budgets
- sale of Territory owned land, and
- uptake of opportunities by the community.

The master plan will be progressively implemented over the longer term as recommendations are dependent on capital works funding consideration from the ACT Government, investment decisions made by private businesses and the viability of the proposals.

### 6.1 Territory Plan variation

A variation to the Territory Plan to revise the existing Oaks Estate Precinct Code will incorporate some of the planning policy recommendations. This is a statutory process which includes consultation and, when complete, can alter the range of land uses permissible on a site and/or change the development controls applicable to a site. The precinct code will provide the opportunity for the building heights, site coverage, setbacks and land uses outlined in the master plan to be realised as development occurs.

### 6.2 Land release

The master plan has identified 12 vacant sites of Territory owned land that could be considered for land release. This land could be released to interested parties through an auction, tender/ expression of interest or direct sale process. Conditions or agreements will be placed on the land to be released where there are work requirements such as paving and landscaping that could contribute to the public realm.

Prior to the release of Territory land, further investigations into infrastructure and potential upgrades would be required as the master plan has identified sewerage and electricity infrastructure to be at capacity.

### 6.3 Public realm upgrades

Public realm improvements are required to realise the vision and some of the strategies of this master plan. This will involve further investigations by various government agencies and funding consideration through future government budget bids.

Recommended upgrades for further investigation in the short term include:

- footpath or shared path to Oaks Estate Road

- traffic management and entry elements at the intersection of McEwan Avenue and Railway Street, including safe pedestrian connections
- traffic management at the intersection of McEwan Avenue, Hazel Street and George Street, including safe pedestrian connections.

Recommended improvements for further investigation in the medium to longer term include:

- a heritage river walk along the Molonglo and Queanbeyan River corridor
- pedestrian and cycle connections to surrounding areas.

As public realm upgrades are progressed, it will be important to involve the community and local Aboriginal groups in the process.

### 6.4 Commercial opportunities

Business and the wider Oaks Estate community have the responsibility to take advantage of opportunities identified within the master plan to invest in the area. A number of changes indicated in the master plan are on existing developed sites or require substantial investment. Implementation of the master plan will be progressive over time.

Artist's impression of McEwan Ave looking north





