

2022

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

Variation to the Territory Plan 372 - Watson section 76

**Presented by
Mr Mick Gentleman MLA
Minister for Planning and Land Management
February 2022**

Planning and Development (Plan Variation 372) Approval 2022

Notifiable instrument NI2022-

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation 372) Approval 2022*.

2 Approval of draft plan variation

- (1) I approve under section 76 (2) (a) of the *Planning and Development Act 2007* the plan variation 372 to the Territory Plan.
- (2) In this section:
plan variation 372 to the Territory Plan means the plan variation in the schedule.

Mick Gentleman MLA
Minister for Planning and Land Management
8 February 2022



ACT
Government

Environment, Planning and
Sustainable Development

Schedule (See section 2(2))

Planning and Development Act 2007

Variation to the Territory Plan 372

Watson Section 76

Final variation prepared under s76 of the
Planning and Development Act 2007

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1. EXPLANATORY STATEMENT

1.1 Background

1.1.1 Early planning investigations

In 2016, the former Land Development Agency prepared a planning report to support a Territory Plan Variation for Watson section 76. Prior to progressing to a draft variation to change the planning policy in the Territory Plan, the ACT Government decided further planning, infrastructure and environmental studies were required to inform planning policy change. At the time section 76 was largely unused vacant land, zoned as Commercial CZ6 Leisure and Accommodation, consistent with the current zoning.

Community engagement was undertaken in 2014 to consider allowing residential use and among other issues, the importance of providing a range of housing options at Watson section 76.

Key issues identified during consultation remain relevant to the current variation, including future residential impacts on:

- traffic and parking infrastructure
- future development and design
- preferences for low to medium rise density of 2-3 storeys
- community facilities
- retention of trees and landscapes

1.1.2 Pre-Community Consultation on a draft planning report

In 2018 EPSDD undertook pre-community consultation on a draft planning report for section 76, which proposed adding residential use to the current Commercial CZ6 Leisure and Accommodation zone. There is a Future Urban Area (FUA) overlay on this site.

The planning report has since been updated to respond to key community concerns, agency comments and the outcomes of planning, background and technical studies.

Key community concerns related to the implications of future residential use including impacts on the:

- existing environment and trees
- future traffic, parking and walking and cycling connections
- perceived need for community and commercial facilities
- provision of lower-rise housing of no more than 2 storeys for new residences and people to age-in-place
- the importance of the local character of North Watson.

1.2 Summary of the Proposal

Variation to the Territory Plan No 372 (V372) rezones Watson section 76 block 2 from Commercial CZ6 (CZ6) Leisure and Accommodation to:

- RZ4 Medium Density Residential; and
- Parks and Recreation PRZ1 Urban Open Space.

A concept plan is introduced to inform an estate development plan on important planning considerations. These considerations include maximum building heights, shared paths and public roads, demonstration housing, areas of environmental concern and requirements for a public park.

Building heights of up to a maximum of 4 storeys or 16.5 metres are permitted in the southern portion of the site, which is consistent with the surrounding character.

The site is on the 2022-23 Indicative Land Release Program for 200 dwellings. The CZ6 zone does not allow for residential uses, including medium density residential development. The site is rezoned to RZ4 Medium Density Residential, with part of the site rezoned to Parks and Recreation PRZ1 Urban Open Space for the development of a one-hectare park and the retention of trees for wildlife, amenity and cooling for a changing climate.

The provisions allow for the demonstration housing process, as announced in the Minister for Planning and Land Management's 2015 Statement of Planning Intent. Demonstration housing provides the community and industry with examples of how flexibility and innovation in planning can result in more liveable, inclusive and sustainable communities.

The variation removes the dwelling limit in the North Watson Structure Plan which had a maximum dwelling limit of 1,300 within an identified boundary, consistent with servicing for the area. The ACT Government will provide appropriate infrastructure to support increased development in the area.

Changes to the Watson precinct code include adding definitions of co-housing and social enterprise. These uses, as well as craft workshop, are included as additional merit assessable uses and limited to the area proposed for demonstration housing in the precinct code.

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

Watson section 76 is currently unleased, undeveloped land, under the custodianship of Transport Canberra and City Services (TCCS) and is approximately nine hectares in size (see Figure 1). The site is bounded by Aspinall Street to the south, and the Federal Highway to the north. There are a number of existing residential units, two to three storeys in height to the west of the site. To the east is the Youth with a Mission facility. There are a number of residential units south of Aspinall Street, which are generally two storeys in height, with a limited number of accompanying on-street parking spaces.

Across the Federal Highway to the north is Non Urban NUZ1 Broadacre zoned land. An informal unsurfaced walking/cycling path also runs along the northern border of the block, parallel with the Federal Highway. In addition, several informal tracks have developed travelling in a north-south direction through the site.

The Watson local centre is approximately one kilometre from the site and includes a pharmacy, supermarket, café, restaurants and a post office. Mount Majura Primary public school and pre-school is located approximately one kilometre from the site.

The block is relatively flat, with a gentle downward slope towards the north-west corner. Non-local native trees and a mix of native and exotic vegetation lines each side of the block, with the densest areas lining the eastern border. There is also a cluster of similar trees in the western half of the site. Tree species on the site include Tasmania Blue Gum (*Eucalyptus globulus*), Argyle Apple (*E. cinerea*), Ribbon Gum (*E. viminalis*), Brittle Gum (*E. mannifera*) as well as Radiata Pine (*Pinus radiata*). Other vegetation includes the native Cherry Ballart (*Exocarpos cupressiformis*) and various wattles, and exotic species including Cotoneaster (*Cotoneaster glaucophyllus*), Japanese Privet (*Ligustrum japonicum*), Hawthorn (*Crataegus monogyna*), and Broad-level Privet (*Ligustrum lucidum*).

The trees on the western and northern edge of the site are considered important foraging habitat for birds, specifically, the Superb Parrot (*Polytelis swainsonii*), which is listed as vulnerable in the ACT and is on the National Register, with a limited number of breeding pairs known to be left in Australia.

After detailed site soil testing, naturally occurring heavy metals have been discovered in part of the north-east of the site. A risk audit for the heavy metals is being undertaken to recommend any potential remediation works, if required, and if an ongoing management plan for the affected area to the north-east of the site is needed.

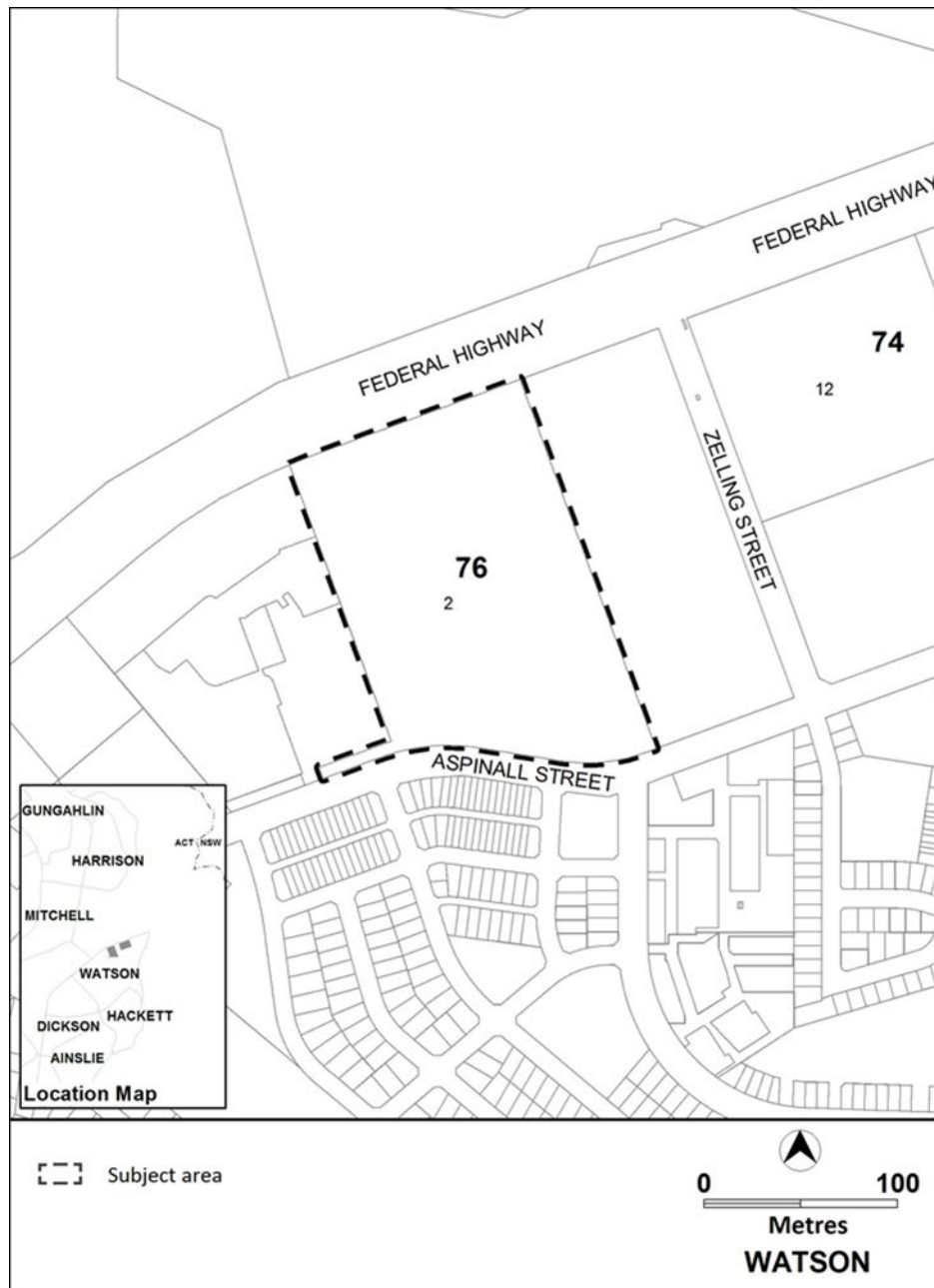


Figure 1: Location map

1.5 Current Territory Plan Provisions

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

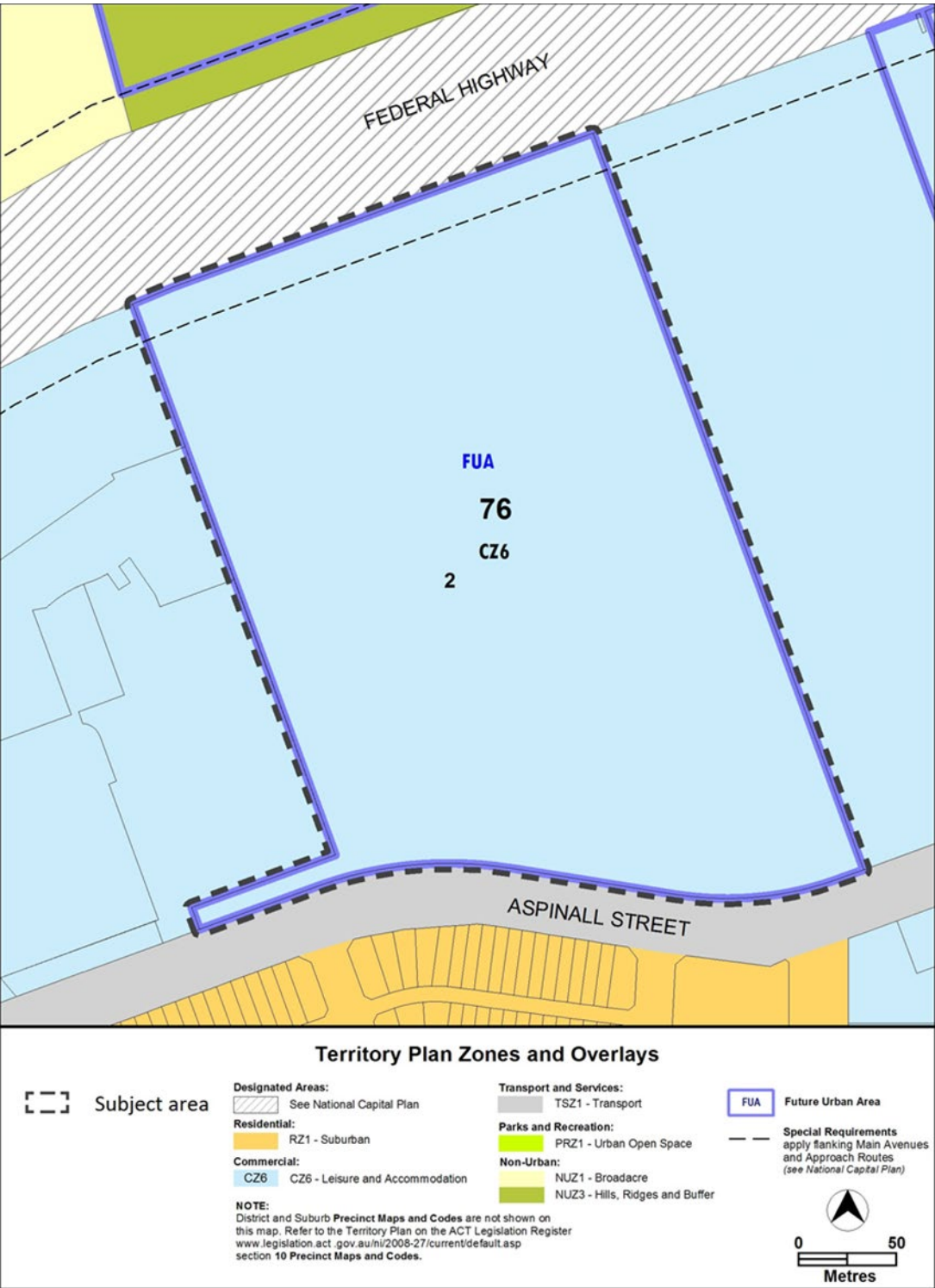


Figure 2 Territory Plan Zones Map

1.6 Changes to the Territory Plan

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

1.7 Consultation on the Draft Variation

Draft Variation 372 (DV372) was released for public comment between 1 February and 19 March 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 1 February 2021. A public notice was placed on the ACT Government public notices website on 1 February 2021.

A total of 45 written submissions were received, which included 40 submissions from individuals and 5 submissions from community and business groups or organisations. Comments related to the following:

Matters raised in submissions	Number of submissions
Objection to any development, and keeping the site as public space	11
Concern over the cumulative density in suburb and along the street	7
The need to retain the trees	20
Comments on the park and green space	18
Desire to reduce maximum building heights and number of storeys; and impacts arising from building heights	26
Desire to reduce dwelling numbers	7
Suggestions on site design	30
Concern over increased traffic and street access and parking	38
Suggested pathway design and extensions	7
Request for a shop / services on site or in North Watson	6
Support for and comments on demonstration housing / co-housing	14
Concerns over suburb and off-site issues	13

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.

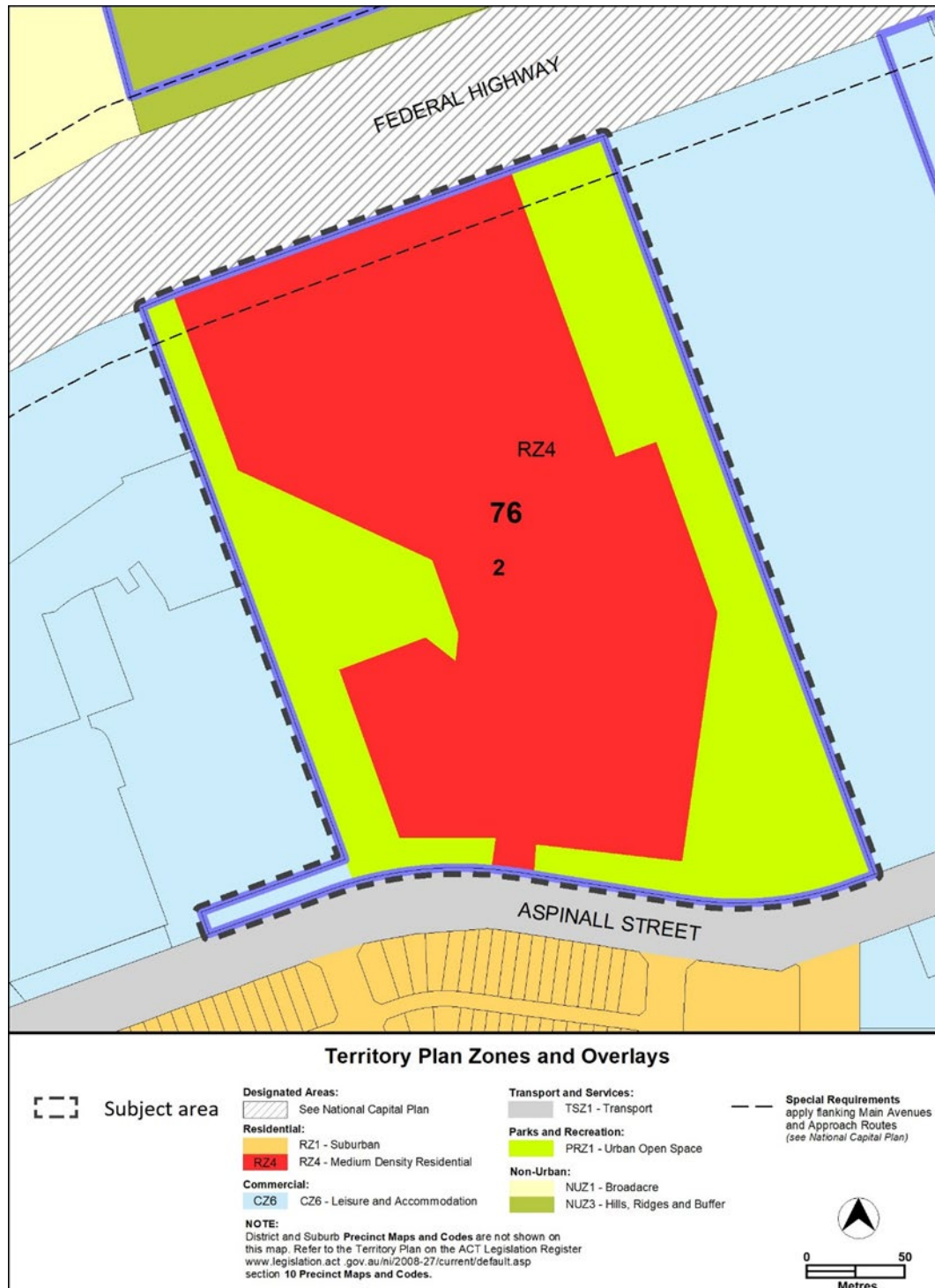
1.8 Revisions to the Draft Variation Recommended to the Minister

No changes were made to the draft variation recommended to the Minister.

2. VARIATION

2.1 Variation to the Territory Plan Map

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

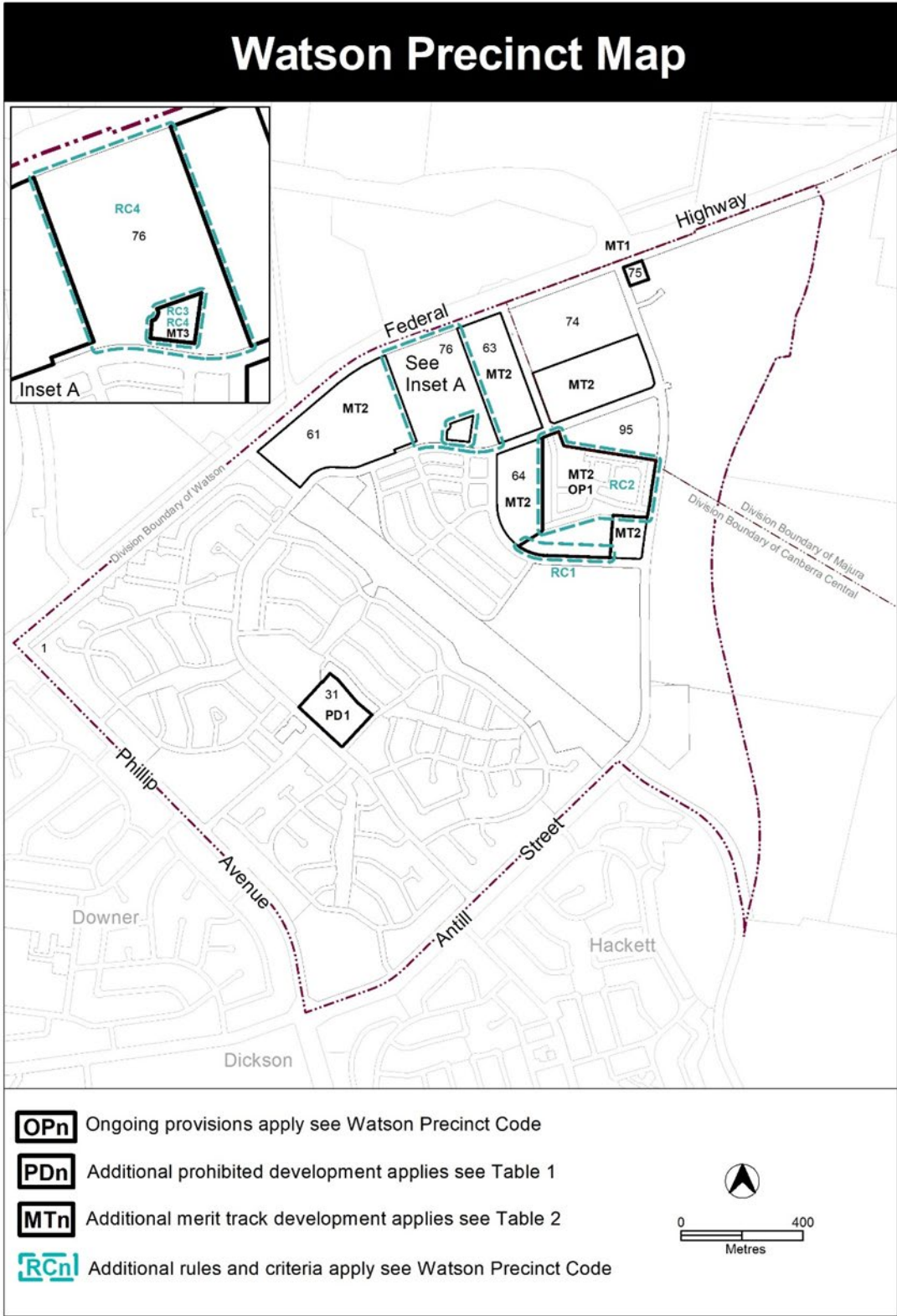


2.2 Variation to the Territory Plan

Variation to the *Watson Precinct Map and Code*

1. Watson Precinct Map

Substitute



2. Introduction, Definitions

Substitute second paragraph with:

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

Co-housing means a development with separate *dwelling*s or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms, and laundries. Private living areas must each contain a bedroom and a bathroom as a minimum and may contain a kitchenette. The common/shared indoor components may be provided in a separate building.

Social enterprise is a commercial organisation that exists to create social benefit as its primary purpose and may or may not be for profit and which may include employment and skills development for on-site residents.

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

Add

Suburb precinct map label	Zone	Development
MT3	RZ4	co-housing social enterprise craft workshop

4. Additional rules and criteria, RC2 – Residential, Table 2 Fencing materials

Insert after Table 2 Fencing materials

RC3 – Residential

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

Element 3: Use

Rules	Criteria
3.1 Co-housing and social enterprise	
R23 Co-housing and social enterprise development can only be undertaken by the Demonstration Housing Project lessee(s) identified on a register published on an ACT Government website.	This is a mandatory requirement. There is no applicable criterion.

RC4 – Residential

This part applies to blocks and parcels identified in area RC4 shown on the Watson Precinct Map.

Element 4: Buildings

Rules	Criteria
4.1 Built form	
There is no applicable rule.	<p>C24</p> <p>The design of the built form will contribute to all of the following:</p> <ul style="list-style-type: none"> a) existing context and character of the local area, including density and scale. b) existing landscape character and setting. c) ecological values. d) sustainability and resilience for a changing climate. e) connectivity, legibility and safety of the area including passive surveillance onto public spaces. f) diversity and amenity of public spaces that promote community life; and will g) not negatively impact surrounding neighbours.
There is no applicable rule.	<p>C25</p> <p>Where development includes fencing that face public footpaths, communal spaces and/or public open space, the fencing is to incorporate:</p> <ul style="list-style-type: none"> a) high quality materials that are semi-transparent b) direct access from private dwellings, such as providing gates, and c) landscaping in front of the fencing. <p>Solid fencing or courtyard walls are not permitted for more than 50% of a block frontage when facing public footpaths, communal spaces and/or public open space.</p>

Variation to the North Watson Structure Plan

5. Introduction

Omit

First two sentences in the second paragraph

To assist in understanding the original application of the principles and policies for the “defined land”, the area identified in this structure plan is the original “defined land” area. Over time, part of the former defined land areas was undefined through statutory processes.

Omit

Third paragraph

Further information on the area subject to this structure plan can be found in the original Territory Plan Variation, available on the ACTPLA website

6. Principles and Policies (Refer to Figure 1)

Omit

(Refer to Figure 1)

7. Principles and Policies, 3. Maximum Number of Dwellings

Omit

3. Maximum Number of Dwellings

The maximum number of new dwellings within the total area to which this Variation applies excluding accommodation specifically for tourist uses shall not exceed 1300 dwellings.

8. Principles and Policies, 5. Building Height

Omit

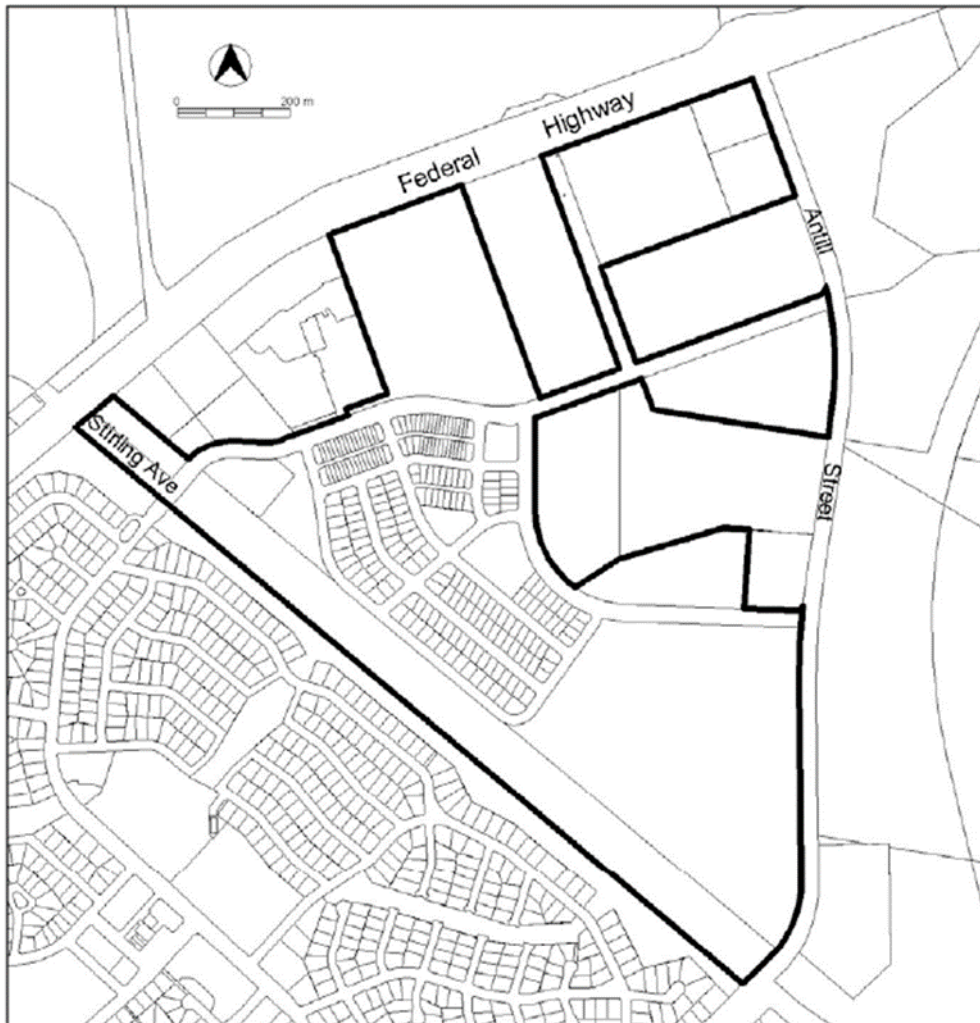
5. Building Height

Building heights shall be two storeys. Where existing approved development exceeds a building height of two storeys, development compatible with the authorised height may be approved.

9. Principles and Policies, 5. Building Height, Figure 1

Omit

Figure 1



Variation to the Concept Plans

10. Concept Plans – Precinct Codes for Section 93 of the Planning and Development Act 2007

*Insert the Watson Section 76 Concept Plan at **Appendix A**.*

Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna t'interpretu, čempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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ATTACHMENT B

Planning and Development Act 2007

REPORT ON CONSULTATION

Draft Variation
to the Territory Plan
DV372

Watson Section 76

October 2021

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	<i>Appendix 1</i>	Draft variation 372 public release version
	<i>Appendix 2</i>	Watson Draft Place Plan and Development Concept
	<i>Appendix 3</i>	Copies of public comments received on draft variation 372

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1. INTRODUCTION

This consultation report was prepared in accordance with s69 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 Transport Canberra and City Services (TCCS), and responds to the issues raised.

2. COMMENTS FROM THE PUBLIC

2.1 Details

Draft variation 372 (DV372) was released for public comment on Monday 1 February 2021. The closing date for comments was Friday 19 March 2021. A copy of the draft variation released for public comments is at **Appendix 1**.

The Watson Draft Place Plan and Development Concept (place plan) was placed on public consultation alongside the draft variation. The place plan sought community comments on the place values, key design principles and future actions. (**Appendix 2**)

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

The comments from the NCA are dealt with separately under section 4.2 of this report. Comments from the Conservator of Flora and Fauna, EPA, ACT Heritage Council and TCCS received and assessed prior to release of the DV 372 are addressed in sections 4.2 of this report.

2.2 Summary of matters raised

A total of 45 written submissions were received. These included 40 submission from individuals and 5 submissions from community and business groups or organisations.

Total	Support with comment/concerns	Concerns	Comments	Against
45	4	27	3	11 (includes 1 submission on behalf of 13 residents)

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

Table 1 Summary of matters raised in the public submissions:

Matters raised in submissions	Number of submissions
Objection to any development, and keeping the site as public space	11
Concern over the cumulative density in suburb and along the street	7
The need to retain the trees	20
Comments on the proposed park and green space	18
Desire to reduce maximum building heights and number of storeys; and impacts arising from proposed building heights	26
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Concerns over suburb and off-site issues	13

2.3 Issues and responses

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

2.3.1 Support for the draft variation

Four submissions support the draft variation, with comments or concerns.

Support for the proposed development was based on:

- Reserving sites for demonstration housing, and specifically the proposed use of these sites for co-housing and for social enterprise.
- Two areas to be rezoned as public open space.

Response

Support is noted. Other matters raised in the submissions are discussed below.

2.3.2 Objection to the proposal

Eleven submissions, including one submission on behalf of 13 residents objected to the draft variation. The following issues were raised:

- The land should remain undeveloped for use by local residents for leisurely activities.
- North Watson is lacking in accessible community green space.
- The development will have an impact on cumulative density, trees, wildlife habitat and traffic.
- Flood mitigation and services (such as shop) need consideration.

Response

- It is acknowledged that local residents have been using the as-yet undeveloped Section 76 Watson for leisure activities.

The site has always had development potential with the existing Commercial CZ6 –Leisure and Accommodation Zone.

The proposal to rezone the site to part RZ4 Medium Density Residential (RZ4) and part PRZ1 Urban Open Space (PRZ1) formalises the site into developable land and land still available for green space that the community can continue to use for leisure activities, including a 1-hectare neighbourhood park.

The site is also located close to a number of existing parks and open spaces, including:

- Justice Robert Hope Park nature reserve (1.8 ha, approximately 240 metres from the site)
- Mary Kitson Park, which includes a small playground (0.5 ha, 260 metres from the site)
- an open space area between 'old' and 'new' Watson for off-leash dog walking (1.7 ha, 300 metres from the site)
- the nature reserve behind The Fair estate (1.6 ha, 600 metres from the site), and Mount Majura Nature Reserve (at least 4 ha, 1.3 km from the site).
- Response to the issues on cumulative density, trees, wildlife habitat and traffic are found in the following sections 2.3.3, 2.3.4 and 2.3.9 of this report.
- Response to the issues on flood mitigation and services (shops) are considered in section 2.3.8 and section 2.3.11.

2.3.3 Concern over the cumulative density in suburb and along the street

Seven submitters raised concerns over the cumulative density of more high-rise buildings in North Watson and how this will impact on unit sales, aesthetics, urban heat, loss of green amenities and maintenance of civic infrastructure.

Response

The 2018 ACT Planning Strategy outlines a vision of Canberra as a compact, sustainable, and inclusive city. To achieve this, the Planning Strategy sets a goal for 70% of new development to occur within the existing urban footprint.

By developing within existing urban areas, we can reduce urban sprawl and increase density in appropriate locations, such as along transport routes and near existing services and facilities.

By using the existing urban footprint, we are also able to use less land and provide greater housing choice. Consistent with this strategy, Watson Section 76 has been identified as a future development site for several years. It is close to major roads,

rapid public transport, shops, and services. The site has been identified to provide housing for 200 dwellings offering homes for people and families wanting to live in Watson.

The place plan outlines how place values and design principles, encompassing aesthetics, urban heat and protection of green amenities could be implemented to achieve a mix of housing with some community uses on site.

2.3.4 The need to retain the trees and protect habitat

Many submissions provided interrelated comments on the environmental concerns of retention of trees, habitat protection, park and greenspace, raising common issues pertaining to all of these matters.

Twenty out of 45 submissions commented on the need to retain the existing trees and 17 submissions specifically commented on the need for habitat protection on Section 76 Watson. The main issues raised include:

- Trees need to be retained as they provide recreation areas, shade, pleasant amenity, wind breaks, cooling function, habitat protection and minimise the visual impact of the development.
- Retention of trees (including pine trees) should be along all boundaries; and the site should include re-vegetation.
- Development conditions are needed so developers have a binding commitment to maintain the health of the trees, and not be the responsibility of residents.
- Construction of infrastructure (paths etc) may be detrimental to the health of the trees along the western boundary.
- A 30% tree canopy cover should be established across the site.
- Need to protect and enhance Superb Parrot habitat and habitat for a range of wildlife, including birds, kangaroos and insects.
- Wildlife would benefit greatly from the complete cat containment zoning on this site.
- Consider enforcing dogs-on-leads across the entire site to reduce impact on Superb Parrot ground foraging behaviours.

Response

- Changes to proposed zone boundaries have been made in response to the issues raised in the public submissions. In addition to the trees which are to be retained on the western boundary in a PRZ1 zone, the trees along the eastern and southern boundary will now also be included in the PRZ1 zone.

With these changes, much of the existing habitat will be retained as urban open space and will be protected in perpetuity, will be off limits to development, and managed by the Territory. The draft design concept for the new public park located in the place plan also considers plants and trees that support wildlife.

A comprehensive tree and landscape management plan will be considered at the Estate Development Plan (EDP) stage.

Note: some trees along Aspinall Street (southern boundary) may need to be removed to accommodate an access road into the site. The exact number of trees will be known at the detail design (EDP) stage and will include further community consultation.

Note: the trees to the north along the Federal Highway are within the 15-metre building setback requirement under the National Capital Plan and are subject to 4.15.4 of the National Capital Plan, that states the 'Approach Routes [along the Federal Highway] will be developed and maintained as high quality landscape corridors.'

- It is acknowledged that pine trees (*pinus radiata*), although a non-native species, provide wind and visual buffers and movement corridors for birds. They will be included in the PRZ1 zone and considered within the tree and landscape plan.
- In response to issues raised in the public submissions, the proposed north-south path on the western boundary will be located out of the treed area, preserving wildlife habitat and providing a safer pedestrian path.
- The place plan states the Government's commitments are to maintain or exceed 30% tree coverage across the site, contributing to reduced heat island effects on Section 76 Watson. The changes to the zoning boundaries to include the treed areas along 3 boundaries of the site in the PRZ1 zoning will provide for almost 30% of tree canopy to meet Canberra's Living Infrastructure Plan targets. It is also expected that developments across the site will include landscaping and further tree plantings.
- ACT Parks and Conservation Service undertakes research into the Superb Parrots breeding, foraging and movement habits. They have advised the Superb Parrot may temporarily stop using the site during construction stages, but that they are expected to return once these noisier stages are complete. ACT Parks and Conservation Service also advised that there are other more important foraging habitat sites for the Superb Parrot in Watson and that the potential impact of construction on Section 76 Watson is not considered to be significant.

The Environment Planning and Sustainable Development Division (EPSDD) has undertaken an ecological values and constraints assessment for Section 76 which showed that the proposed residential development on site would unlikely have any significant impacts on ecological values.

- The ACT is introducing cat containment rules in all suburbs for all new cats from July 1, 2022 aiming to better protect native wildlife. These rules will be applicable to this site.
- Dogs must be on a leash on footpaths, streets, and verges unless otherwise signposted. Dogs are also prohibited within 10 metres of a play space unless they are an assistance animal.

More information on dogs off leash and on leash can be found here:

<https://www.cityservices.act.gov.au/pets-and-wildlife/domestic-animals/dogs/recreation-with-my-dog>

2.2.5 Comments on the proposed park and green space

Submitters provided comments on the one-hectare park proposed in the south-east corner of the site and the amount of green space provided. These comments included:

- Increase the park size and green space, consider numerous parks interspersed among the homes, relocate the park to the western boundary.
- Several submitters commented on park design, including that the park be designed by children and youth; be useable for adults, suitable for all-ages; have shade provided over the park; and include facilities such as skate park, BMX-style tracks with jumps and a netball/basketball hoop.
- There was a mix of comments suggesting the park be a dog free park, allowing dogs on leads and setting aside an off-leash area for dogs within the park.

Response

- During consultation in 2018, the Watson Community Association and wider community advocated for at least 4,000m² to be set aside for recreational open space.

Whilst undertaking the planning and investigations phase of the project, it was found that North Watson had capacity for another park as one is recommended every 300-400 metres in a residential area under the Territory Plan's Estate Development Code.

The Watson Community Association's Plan for Watson and the consultation outcomes have been considered in DV372 and the place plan. The proposed one-hectare park on Section 76 more than doubles the previously proposed 4,000m², will be classified as a local neighbourhood park and maintained by the ACT Government.

- The location of the park in the south-east corner of Section 76 has been selected as it maximises urban open space on the site. It is situated close to the rapid public transport stop and high-density developments, such as the Norrebro development. Norrebro proposes mixed-use buildings to include a cafe, grocer, and childcare centre, providing a good co-location of uses with a local neighbourhood park.

This location will provide a central community space for local residents, allowing most residents in North Watson to access the park within a short walking distance from their homes. The delivery of the park is subject to Government budget processes.

- Local neighbourhood parks, such as the one proposed on Section 76, allow for play equipment, walking and cycling paths, soft landscaping, and recreational facilities. They do not generally provide waterplay, BBQ and dynamic or moveable fitness equipment due to the maintenance required for these amenities.

The amenities proposed in the place plan are in line with the outcomes of community consultation on the Better Suburbs Statement 2030.

Universal inclusion, safety in the park, and improved amenities (seating and shade) have been considered in the preparation of the final design concept for the one-hectare public park. The ACT Government aims to create a network of play opportunities across the city and equitable provision of infrastructure for all ages, abilities and play styles. The proposed neighbourhood park will become part of those considerations.

- The urban open space on Section 76 is not proposed specifically as a dog walking space. However, during consultation on the place plan, respondents to the survey expected to make multiple uses of the park, such as relaxing (58%), socialising (56%), exercising (53%) and playing (49%). A lesser, but still significant, number (34%) also planned to walk their dog in the park. This consideration will be addressed during the detailed design for the park.

2.2.6 Desire to reduce maximum building heights and number of storeys; and impacts arising from proposed building heights

Appendix 1 (Concept Plan) of the draft variation provides a map indicating locations of varying building heights on the site. A two-storey building height applies in the north of the site consistent with National Capital Plan requirements. The remaining building heights to the south will be a maximum height of four storeys. Many submissions considered that the building heights on the south of the site should be less than four storeys. The following issues were identified:

- Four storey building heights are out of character for the suburb.
- Four storey dwellings on Section 76 Watson will:
 - diminish privacy, reduce sunlight and increase noise, impact on aesthetics, urban heat island effects and house prices of neighbouring dwellings.
 - require lifts and higher design, construction costs and ongoing body corporation fees.
- The National Capital Plan height requirements should be extended across the whole site.

Response

- Planning for the site has considered the character of North Watson and the design and scale of existing buildings. There are existing examples of other three to four storey buildings in North Watson, including the Solstice on Antill Street.
- Four storeys are proposed as they provide for development flexibility while still being sympathetic to the treed landscape. Four storeys will allow the trees to provide a visual buffer, whilst accommodating the targeted 200 dwellings. Building heights for the site also considered locating the higher density uses close to the rapid public transport terminus on Aspinall Street and proposed shops and services within the Norrebro development.

- Solar access has been considered in the place planning. While buildings are yet to be designed, the proposed building heights are not anticipated to significantly impact on solar access to the adjoining existing developments. Further consideration will be given to solar access during the development application stage in line with the development codes in the Territory Plan.
- If DV372 is approved, buildings within RZ4 zoning will be subject to the Multi-Unit Housing Development Code of the Territory Plan. Under this code, solar access requirements differ depending on whether the development is a townhouse or apartment. The development code requires that a proposed development maintains levels of solar access to nearby existing dwellings.
- The National Capital Plan sets out special requirements for developments fronting the main avenues and approach routes to Canberra, that are additional to the Territory Plan. These requirements include a maximum 8.5m building height restriction for 200m from the centre of the Federal Highway. These provisions are not applicable to the remainder of the site beyond the 200m. This is consistent with existing housing estates in North Watson 200m away from the Federal Highway, such as Solstice, where building heights are not regulated by the National Capital Plan.

2.2.7 Desire to reduce dwelling numbers

The place plan indicates the ACT Government has committed to provide 150-200 new dwellings on the site. This range in numbers prompted seven submissions to express a desire to reduce the number of dwelling from 200 to 150. The following comments resulted:

- Reduce dwelling numbers to 150 to diminish environmental, climate, and infrastructure pressures and to minimise impacts on road and traffic flows.
- Reduce dwelling numbers to increase the size of the park and reduce car spaces per residence.

Response

- The ACT's Indicative Land Release Program provides for approximately 200 dwellings on the site.

The planning report to support DV372 considered the impacts of future development on traffic, community facilities, ecological values, trees, and site servicing.

The detail design at the EDP stage will consider the exact dwelling numbers on the site. DA approval and conditions will address maximum dwelling numbers on site.

The proposal will need to meet the provisions of the Estate Development Code, and through this address impacts on environment, climate, road and traffic flows.

The amount of car parking on site will be determined by the provisions of the Parking and Vehicular Access General Code.

- The PRZ1 zone that covers the park, has now been extended to include the green space along the southern and eastern corridor.

2.2.8 Suggestions on site design

Thirty out of 45 submissions provided comments on suggested site design. These comments are grouped into the sub-headings of site lay-out, design of buildings, internal roads and carparking.

(i) Site Design and Layout

- Suggestions to adopt good design based on the City and Gateway Urban Design Framework principles, allow for visual variations, differing façade styles and structure profiles, enhance aesthetics and provide a variety of housing options.
- Consider noise buffering and noise reduction standards for homes; gardens and landscaping; active travel; flood mitigation and drainage upgrades; and at least 30% permeable surface in the design.
- The western sliver of CZ6 land should be PRZ1.

Response

- The place plan presents an indicative layout of the site and is informed through the community engagement process.

The DV provides for varied building heights across the site. Building form and design may be further varied as each developer decides how best to design and site buildings for individual blocks. Developers will be required to undertake pre-DA consultation, which will provide the community the opportunity to comment on each development proposal.

The type of housing on Section 76 could include apartments, townhouses and/or single residential dwellings. Design aspects such as visual appearance, heating and noise sensitive design will be addressed during the detailed design phase. Landscaping and active travel components of the proposal will also be considered at this stage. The final housing type and mix will be decided through an EDP and proposals for individual blocks at the development application stage. The EDP and each development application will require community notification processes, seeking comments from community.

Amendment 91 of the National Capital Plan, that incorporates City and Gateway Urban Design Framework principles is applicable to this site.

- The site is not within an identified flood zone. However, at the EDP stage, further stormwater analysis is required to confirm stormwater flooding and overland flow paths, and any requirements with regards to onsite water detention/retention. The developer will complete this work when developing their proposal in line with ACT Government standards and requirements.

Currently, overland flows travel towards the western boundary of Section 76. Stormwater inlet structures and water sensitive urban design strategies will be required as part of the developments.

Section 76 also has a 30% permeable surface target which will assist water flow through the site, reduce flood risk and offer opportunities for Water Sensitive Urban Design (WSUD) measures.

- The western sliver of land on Aspinall Street has not been rezoned to PRZ1 Urban Open Space as it is not consistent with the zoning on the adjacent block that includes Karelia Park housing estate.

(ii) Building design and management

- There is a higher demand for 3 bedroom, not 1 or 2 bedroom apartments; limit apartments relative to townhouses; include separate title townhouses; provide a mixture of yard sizes.
- Consider buildings with double sided views; staggered rooflines and community-accessible areas.
- Provide energy efficient dwellings, including solar electricity generation with battery storage; rainwater capture and storage, energy efficient designs standards, heat pumps for hot water and home heating / cooling, electric vehicle charging facilities for each dwelling; no new gas connections.
- Don't include design features such as inadequate eaves on north facing windows, use of non-permeable surfaces and dark coloured surfaces, closely built dwellings without balconies or sufficient outdoor space and lack of amenities such as playgrounds, green space and retail space.
- Include social, community and affordable housing, including liveable /sustainable aged and disability care options.

Response

- There are provisions in the Territory Plan to provide for a diversity of housing, including sizes suitable for families and groups. The number of bedrooms per dwelling will be addressed during the development application process, which will require further community consultation.
- There are existing energy efficiency requirements, rainwater capture and WSUD measures that need to be addressed through the development assessment stage. The place plan encourages future developers to achieve higher levels, but this has not been mandated through the Territory Plan Variation process.
- Affordable housing is determined for a site during the planning of the site and prior to the sale of the site. A number of factors are considered when applying housing targets to a site, including access to amenities, proximity to schools, transport, employment centres, and public open space as well as existing concentrations of affordable and social housing in each suburb. Watson Section 76 is currently in the planning stage and it has therefore not been decided if public, community or affordable housing will be included on the site. Should DV372 be approved to allow for part residential use, the

site will be considered for public, community and affordable housing prior to its release to the market

(iii) Road design

Extend the primary road through the section, include cul-de-sacs off this road, plant trees along all roads.

Response

The place plan provides an idea of what an access road into the site might look like. The design, placement and specific details of the road will be refined during the preparation of an EDP and other detailed design works. The design, including entry into the site, will be informed through consultation with Transport Canberra and City Services (TCCS), who regularly assess traffic needs, impacts, and risks in Canberra suburbs. A range of factors will be considered, including functional needs and accessibility, visibility, performance of nearby intersections and future traffic projections.

(iv) Car parking numbers on site

Carparking numbers should be based on:

- 1 car space per bedroom; not based upon the number of units.
- 2 car spaces per dwelling for family accommodation and 1 space per dwelling for singles, plus adequate space for visitor parking, as in the National Capital Plan. This criterion should apply to those residences within 160m from the Federal Highway.

Response

- The number of car spaces provided on site will be consistent with the Parking and Vehicular Access General Code and considered at the EDP stage of the proposal. A traffic impact assessment will be submitted with the development application.
- The National Capital Plan provisions applicable to the site include setback and building heights, not carparking numbers.

2.2.9 Concern over increased traffic, street access and parking

There were 38 submissions that expressed concerns over the impact of the new development on the local road, Aspinall street and surrounds.

Issues were raised regarding increased traffic flow, carparking on street and the need for:

- upgrading Aspinall Street as it is very narrow.
- a need for a bus u-turn bay.
- additional entry and exit points, including from the Federal Highway.
- Indented two-hour parking on the northern side of Aspinall Street, similar to what has been added to Negus Crescent.

- Provide enough car spaces on site to stop parking on street.

Response

- A Traffic Impact Assessment (TIA) has been prepared using a conservative approach for dwelling numbers on Section 76 and considered the cumulative impacts of developments in North Watson. The TIA found nearby intersections operate well. The future daily volume along Antill Street and Aspinall Street was marginally above capacity. However, the actual impact of the additional traffic on neighbourhood amenity is anticipated to be minimal.

TCCS completed a study on traffic conditions on Aspinall Street in November 2020. This investigation included a detailed review of current traffic speed, volume, and crash data, as well as pedestrian/cyclist activity on the street. The study found travelling speeds on the road to be a safety concern and recommended three speed humps at strategic locations, be installed to reduce speeds on the road. These improvements will be implemented under future Government capital works programs.

- Parking requirements will be assessed during the development of the EDP and again at the DA stage for individual developments. A parking assessment will consider the need for parking along Aspinall Street as well as the impacts on pedestrian and cyclist safety and the nearby bus stops on Aspinall Street. The neighbourhood park is for residents within walking and cycling distance, however there may be some provisions for on street parking to accommodate other visitors to the park.
- The concern regarding the width of Aspinall Street and the impact of buses has been noted and referred to TCCS, who undertake strategic planning for Canberra's roads and the bus network. TCCS has been consulted on Section 76 and has provided input on the TIA, active travel connections and the proposed road. TCCS will continue to be consulted during the detailed design phase of the EDP.
- The ACT Government investigated vehicle access to the site in a TIA. A preliminary concept in the assessment showed an unsignalised access point from Aspinall Street. A more detailed assessment of the potential access arrangements, including intersectional capacity modelling will need to be undertaken at the EDP Stage. The National Capital Plan, managed by the National Capital Authority, will also need to be considered. This plan includes provisions relating to landscaping, building and access requirements to ensure that the 'gateway' into Canberra provide a prominent landscape character.
- Under the National Capital Plan there is a provision that prohibits any car parks which are visible from the Federal Highway. This may mean underground carparking will be more suitable. Ultimately, the type of parking will depend on the development type (such as apartment complex, townhouses). These options will be discussed with developers and assessed during the development application stage.

2.2.10 Suggested pathway design and extensions

Seven submissions provided comments on footpath and cycle path issues.

- Duplicate a bike/walking path on the eastern side of Section 76.
- Extend the cycle path on the Federal Highway from Antill Street to Stirling Avenue.
- Continue the footpath east from the front of the site to connect to the path adjacent to the bus stop.
- Use a permeable surface for the proposed public path on the western boundary.
- Support expressed for the extended cycle paths throughout Watson, however, are concerned about safety of cycling on Aspinall and Antill Streets due to narrow street, increased traffic and poor lighting.

Response

- The place plan proposes new connections through Section 76 Watson to the existing walking and cycling path network on Aspinall Street and the Federal Highway to make it easier for people to walk and ride.

It also shows how the site can provide connections beyond the site boundaries and highlights the importance of active travel in the Design Principles 'active people' and 'leafy suburb'.

- Connections to the existing path network from Antill Street to Stirling Avenue were considered in the place plan, subject to funding and detailed design.
- In response to public submissions, the proposed location of the pedestrian/cyclist path on the western side of Section 76 between Aspinall Street and the Federal Highway has been amended, relocated to outside the treed area. This path addresses community requests for better walking and cycling connections through North Watson and better connects the existing active travel network. The design, surface type and location of public paths will be further considered at the EDP stage.

2.2.11 Request for a Shop and Services on site, and in North Watson

Six submissions provide comments on the need for services such as a shop and or café on site, and the impact increased development has on the Watson Shops. Issues raised include:

- Provision of shop and café on site, or in North Watson to accommodate a highly populated and dense development areas.
- There is no guarantee that the proposed adjacent Norrebro development will provide a shop, or if they do it won't be enough for the increasing population.

- Whilst there are existing shops at Watson, North Watson generally is 2km away from them, generating car use instead of active travel such as cycling or walking.

Response

- The planning report shows that North Watson is well serviced by existing shops, including Watson shops, Hackett shops, the weekend Farmers Market at EPIC, petrol stations on the Federal Highway and Antill Street.
The current shops in Watson operate well and provides a community hub for all Watson residents.
- Other developments in North Watson are planning to contribute further community amenities to the local population. The Norrebro, across the street from Section 76 Watson, has proposed a commercial space in the near future, including a café, childcare centre and a grocer.
- Under the Territory Plan provisions, shops are not a permitted use in a RZ4 zone. However, the proposal includes a use for a social enterprise development in the southern portion of the proposal. This use is defined as a commercial organisation that exists to create social benefit as its primary purpose, it may or may not be for profit and may include employment and skills development for on-site residents.
- The social enterprise development will be undertaken by the demonstration housing project lessee(s) and does not preclude uses such as cafés.

2.2.12 Support for and comments on demonstration housing / co-housing

The proposal put out on public consultation included two sites identified for demonstration housing in the southern part of the site. There were 14 submissions that provided comments on demonstration housing and co-housing issues. These included:

- General support for demonstration housing and co-housing.
- Comments on design, size, location and features of demonstration housing.
- Comments on co-housing ownership, facilities, features, unlimited dwelling numbers, reduced parking requirements, best practice use and design.

Response

- Support for demonstration housing and co-housing is noted.
- The demonstration housing project is testing and showcasing how the ACT Government can best deliver a compact, sustainable, accessible, and active city through innovative planning, design, and delivery.

Demonstration housing projects are being designed and built across Canberra which demonstrate excellence in design, construction, sustainability and innovation in housing typologies and delivery models.

The innovative nature of demonstration housing projects means each project may look different. A demonstration housing design for the site is yet to be finalised.

- Co-housing is a type of living arrangement which emphasises building a sense of community. It consists of separate dwellings with some common or shared facilities, such as kitchens, living areas, gardens, laundries, and even car-share schemes for residents to use.

There will be a number of opportunities for the community to have their say on demonstration housing projects, including the co-housing project proposed for Section 76.

Each proponent is required to follow standard statutory processes for development within the ACT which includes the preparation of a development application (DA) for their proposal. This includes a requirement for the proponent to undertake their own pre-development application community consultation.

There will also be the formal statutory process of the DA where the community can make a submission.

- The site layout is indicative and may be refined at later design stages, subject to the zoning requirements. The location of the block set aside for demonstration housing is closer to Aspinall Street, which allows for better access and design outcomes.
- More information about the demonstration housing project can be found at the web address <https://www.planning.act.gov.au/urban-renewal/demonstration-housing-project/about>
- The lessons learnt from the Demonstration Housing Project will inform future government policy and Territory Plan changes, which is hoped will encourage and support improved housing choice and housing quality in Canberra. The demonstration housing project planned for the south of Section 76 is not intended to inform the design of dwellings on the remainder of the site.

2.2.13 Concerns over suburb and off-site issues

Thirteen submissions raised potential impacts of the proposal that could affect the Watson area, and issues beyond the development on Section 76, Watson. These included:

- A lack of an ACT Government master plan for Watson, and the need for holistic planning for population growth in North Watson.
- Increases in population will impact on Watson and infrastructure, schools, public transport and parking at local shops.
- There are parking and footpath issues associate with Stirling St on weekends.
- More native plants are needed in the streets, including maintenance of street vegetation and vegetation on Mt Majura.

Response

- The ACT government master planning program was initiated under the 2012 Planning Strategy and is now complete. A series of locations were referenced in the 2012 Strategy as requiring a master plan, and North Watson was not listed as one of these.

Although there is no master plan for the site or surrounding areas, the site and its potential for redevelopment took into consideration the surrounding residential area, land use, transport, employment and commercial activity.

In planning for new developments, such as Section 76, the ACT Government is looking at mixed-use sites which allow for housing, open space and public amenities to better service the community.

- The Education Directorate is undertaking planning work for schools in the inner north, given the increased housing density in the area.
- TCCS undertake maintenance and the upgrades of public spaces in local centres, including the Watson local centre.
- The concerns regarding Stirling Street have been noted and referred to TCCS.
- Establishing and maintaining street vegetation is beyond the scope of this draft variation. TCCS is responsible for maintaining street vegetation, and ACT Parks and Conservation Service are responsible for vegetation management within Mt Majura Nature Reserve. These matters have been referred to these agencies for their consideration.

The community can request a tree planting(s) using the YourSay tree planting page. A comment can be made on the 'Fix My Street' website, an on-line tool for reporting a range of municipal and city services matters.

3. SUMMARY OF CHANGES TO THE DRAFT VARIATION FOLLOWING CONSULTATION

3.1 Summary of changes to the draft variation in response to public consultation

Topic	What has changed?
Protection of trees on the site	<p>The proposed variation to the Territory Plan map has been amended to reflect an expanded PRZ1 urban open space zone.</p> <p>In addition to the proposed park and the protection of trees on the western boundary, this zone now protects the</p>

	<p>trees on the eastern and southern boundary of the site.</p> <p>Due to this change, the trees on site will be further protected, and will be managed by TCCS, not the developer.</p>
Locational change to proposed path	<p>Figure 2 of the Concept Plan has been amended to show a change to the location of the proposed path. The path has been moved from the western boundary, out of the treed area and closer to the area that is developable.</p> <p>This change provides better protection for trees, a safer environment for pedestrians, and opportunities for direct access between the path, open space, and private dwellings.</p>

3.2 Other changes following public consultation

Provision	What has changed?
Desired planning outcomes (f) of the Concept Plan	The wording in (f) has been amended for clarification purposes. It now refers to the importance of retaining trees for 'wildlife', not just for the superb parrot.
A new criterion (C3) has been added to the Concept Plan	<p>C3 has been added to provide guidance on lighting, seating and landscaping considerations for public paths.</p> <p><i>Note: A re-numbering of subsequent rules and criteria has occurred in the Concept Plan due to the insertion of C3.</i></p>
Rule 5 a) of the Concept Plan	The words 'consistent with Figure 2' has been added to R5a) to provide more guidance to proponents and assessment officers. Figure 2 now shows the location of the proposed public local neighbourhood park.
Rule 5 b) of the Concept Plan	Wording has been amended to include the expanded PRZ1 urban open space, now also incorporating the eastern and southern portions of the site.

Criteria 7 of the Concept Plan	This criterion has been amended to reflect the reduction from 2 to 1 demonstration housing sites, as there is now only one demonstration housing proponent for Section 76 Watson.
Figure 2 of the Concept Plan	Figure 2 has been amended by adding a symbol on the map to indicate the location of the proposed public local neighbourhood park. This provides more guidance to proponents and assessment officers.
Figure 4, legend within the Concept Plan	The wording within the legend indicating where the National Capital Plan (NCP) provisions apply, has been amended to better reflect the wording in the NCP. <i>Note: The red line indicating the location of the NCP provisions has not changed.</i>
The Watson Precinct Map	The boundary of MT3 on the precinct map has been amended to reflect the changes to the demonstration housing (Co-housing and social enterprise) area available on site.
C24 of the Watson Precinct Map and Code	This criterion provides guidance to the design and built form of buildings on site. The wording has been amended to provide more guidance to proponents and assessment officers.
A new criterion (C25) has been added to the Watson Precinct Map and Code	C25 provides guidance for where development includes fencing that faces public footpaths, communal spaces and/or public open space.

4. COMPLIANCE WITH THE PLANNING AND DEVELOPMENT ACT 2007

4.1 Release for Public Comment (section 63)

DV 372 was made available for public comment from Monday 1 February 2021 to Friday 19 March 2021 and a consultation notice under s 63 of the P&D Act was published in the ACT Legislation Register on 1 February 2021 and on the Public notice board on 1 February 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 (**Appendix 1**) – the National Capital Authority, the Environment Protection Authority, the Conservator of Flora and Fauna, the ACT Heritage Council; and TCCS as the land custodian.

TCCS has provided endorsement on the Traffic Impact Assessment for the site, and additional consultation was undertaken with TCCS regarding the expanded PRZ1 zone.

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 in the ACT Legislation Register stating that DV 372 has been submitted to the Minister and that the documents are available for public inspection.

5. APPENDICES

Appendix 1 – Draft variation 372 public release version

Appendix 2 – Watson Draft Place Plan and Development Concept

Appendix 3 – Copies of public comments received on draft variation 372

APPENDIX 1
Draft variation 372 public release version

APPENDIX 2
Watson Draft Place Plan and Development Concept

APPENDIX 3
Copies of public comments received on draft variation 372