



ACT
Government

**Environment, Planning
and Sustainable
Development**

APPLICATION OUTCOME NOTICE

Made under Part 5.2, Division 5.2.2 of the *Planning Act 2023*

Application Number: 2023-02

Applicant Name: Purdon Planning

Applicant Address: Suite 5, Level 1/243 Northbourne Ave, Lyneham ACT 2602

The Territory Planning Authority, pursuant to section 56 of the *Planning Act 2023*, **accepts** the application for the proponent-initiated major plan amendment mentioned in Part A. of this document, with conditions (mentioned in Part B).

This decision contains the following information:

Part A – Proposal

Part B – Conditions of acceptance

Part C – Reasons for the decision

Part D – Entity Advice

Part E – Administrative information

Alix Kaucz
Territory Planning Authority
13 March 2024

Part A – Proposal

This application outcome notice relates to application 2023-02 which is set out in the relevant supporting report and any additional information provided by the applicant during the application process.

The key parts of the application are set out below.

Site Details

Location: Section 19 Block 9

- The site is zoned CZ6 – Accommodation and Leisure.
- The site is currently used as a carpark and was previously developed as the Italo-Australian Club.

Lessee/Custodian: Sirocco Pty Ltd

Scope of Application

The application seeks to amend the Territory Plan in the following ways:

- Permit mixed-use residential development on the site.
- Introduce a seven-storey height limit.

Additional Information

The following additional information was requested by the Territory Planning Authority during the application process:

- The major plan amendment application for Forrest Section 19 Block 9 be amended to include an environmental assessment, in accordance with the Environment Protection Authority (EPA) guidelines.

Part B – Conditions of Acceptance

This section contains any conditions of Acceptance set by the Authority. These will generally include minor updates requested by the Authority or information which supersede the information provided by the proponent.

The conditions of acceptance for this application are as follows in the table below.

Environment Protection Authority
<p>The Environment Protection Authority (EPA) has reviewed the provided Preliminary Site Investigation (PSI) and has concluded that the PSI is inadequate to draw a conclusion regarding the site's suitability.</p> <p>The EPA requests that a phase 2 (intrusive) environmental assessment 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 proposed and permitted uses.</p> <p>The consultant's phase 2 assessment report must be submitted to the EPA (contaminatedsites@act.gov.au) for review and endorsement prior to the commencement of a major plan amendment process.</p>

Part C – Reasons for the decision

In deciding this application, pursuant to section 56 of the *Planning Act 2023*, the Territory Planning Authority must have regard to:

- (a) the planning strategy;
- (b) the relevant district strategy;
- (c) any current or proposed amendments of, or of policies in, the Territory Plan;
- (d) the statement of planning priorities;
- (e) anything else the Territory Planning Authority considered relevant to the amendment.

As the application has been accepted, a MPA document will be drafted. The MPA document, along with this application, will be released to the public for consultation under section 61 of the *Planning Act 2023*.

The planning strategy

The ACT Planning Strategy builds off the original vision of Walter and Marion Mahoney Griffin of a city with a landscape that celebrates its bushland setting. ACT Planning Strategy seeks to manage the growth and change of Canberra to not only retain this original vision but to also ensure a city that is compact and efficient, diverse, sustainable and resilient, liveable and accessible.

Reasons for the decision

- The proposal is consistent with the planning strategy.

The relevant district strategy

The district strategies seek to capture and protect the valued character and attributes of the nine districts of Canberra. The district strategies deliver the ACT Planning Strategy by providing more specific and targeted directions for each district. The districts strategies guide the strategic management of growth and change on a district scale in the context of green and blue spaces, good travel connections, housing, employment growth and support commercial areas.

The relevant district strategies for this application are Inner South.

Reasons for the decision

- The proposal is consistent with the Inner South district strategy.
- Forrest Section 19 is marked as a key site, change area category 2 where detailed planning can proceed, consultation needs to occur, and change could happen within 0–10 years.

Any current or proposed amendments of, or of policies in, the Territory Plan

Policies within the Territory Plan are key to shaping places and communities in the ACT, implementing strategic planning objectives, protecting and minimising the impacts on our environment, and establishing future urban form and development

patterns. The policies outline the desired policy outcomes that are important to a district or zone and include assessment outcomes and key assessment requirements that must be met by proposed development. Therefore, an application to amend these existing or proposed policies should be carefully considered.

Reasons for the decision

- The Territory Plan Authority has considered all relevant legislation and has consulted all relevant agencies regarding this proposal.

The statement of planning priorities

The relevant minister responsible for planning can set a statement of planning priorities. These planning priorities must arise from the planning strategy and contain actions to be taken in the short to medium term to achieve the priorities.

There is currently no relevant statement of planning priorities issued.

Reasons for the decision

There is no relevant statement of planning priorities, therefore this application has not been assessed against it.

Anything else the territory planning authority considers relevant to the amendment

Planning is a complex and ever-changing environment with many stakeholders. Policy or requirements from other areas of the ACT Government or Federal Government, particularly the National Capital Authority, utility providers and interest groups must also be considered when deciding an application to amend the Territory Plan.

Reasons for the decision

- The Territory Plan Authority has considered all relevant legislation and has consulted all relevant agencies regarding this proposal.

Part D – Entity Advice

The following entity advice is provided below for information purposes and are not required to be addressed with the major plan amendment.

Transport Canberra and City Services

Traffic and Parking

TCCS has reviewed the documents and can provide in principle support.

1. This application proposed redevelopment of the site to contain approximately 130-140 units while Indesco's Traffic Impact Assessment (TIA) provided 134 units.
2. This application has 230 proposed car parking spaces at basement, which is less than the 236 parking demand generated by the proposed 134 units in the TIA.
3. The TIA has indicated that all demand of parking spaces including visitor parking must be provided on site due to shortage of parking spaces off site.

Landscape

It should be noted that the street trees of Forrest are important to the aesthetic of the street character and should be protected.

It is recommended that the following is provided at the Design Review Phase:

1. a tree assessment of all street trees bordering the site,
2. a detailed tree management plan for the protection of trees including landscape management and protection plan.

NOTE:

- in the planning for service installation all new services should avoid the Tree Protection Zone (TPZ)
- where new and exhumed service works cannot avoid encroaching the TPZ, encroachment should be kept to a minimum and a plan should be provided for review showing hydra vac options.

Treescapes

TCCS have reviewed the application and have no objections to the Major Plan Amendment provided the proponent protects the trees on public land for the redevelopment of the land. Both streets (Dominion Cct and Franklin St) have High to Exceptional Quality veteran street trees that will require a Tree Management Plan.

- Under the new Urban Forest 2023 legislation, applicants are required to submit a Tree Management Plan (TMP) in response to works occurring in proximity to a public tree to demonstrate how the tree will be protected. TCCS will require the TMP to be submitted separately to a Landscape Management and Protection Plan. For further information, please refer to <https://www.legislation.act.gov.au/ni/2023-823/> Please also follow this link and read and familiarise yourself with the TMP guidelines.

Waste

1. The Applicant cites Dominion Circuit as access point for waste and goods deliveries and presents a basement plan (image 1). However, the basement does not provide any information on waste collection, this will be required for any development proposal.
2. Under section 7.11.5, the Applicant states: "...*the physical design of the vehicle access points should consider **heavy vehicles** to accommodate service activities with **forward entry-forward exit movements** in compliance with the Development Control Code for Best Practice Waste Management in the ACT 2019*". The Applicant has correctly identified the forward entry and exit requirement. However, TCCS would like to clarify that all residential collection vehicles are **heavy rigid vehicles** (HRV) and the site must accommodate 12.5m HRV vehicles.
3. If the buildings have 4 or more residential floors, waste chutes are mandatory.
4. Residential waste collection vehicles must have priority over commercial vehicles. If access points for commercial and residential waste collection as well as goods delivery are the same, the Applicant needs to understand that a residential waste collection vehicle will most likely collect waste **four times a week**. The waste contractor operates between 7:00am and 5:00pm. No specific collection times are provided at this stage. The collection area must therefore not be blocked by other users.
5. Space for garden organic green bins has been a mandatory requirement since 2019. Garden organic green bins are collected at the kerb. There needs to be sufficient kerb space so that the garden organic green bins can be collected.

Conservator of Flora and Fauna

The block itself does not support any significant ecological values or considerations. However, priority should be given to retaining and protecting any significant trees on the block when future development is considered.

Part E – Administrative information

This section is general information for the proponent outlining the relevant questions and next steps that result in deciding this application.

What happens if my application is accepted?

If the proposal is accepted the Territory Planning Authority will undertake a MPA to the Territory Plan following the process set out under the *Planning Act 2023*.

The next major step in the process is preparing the MPA for release to the public for consultation. After consultation the territory planning authority may decide to continue with, revise or withdraw the MPA.

In accepting an application, the Territory Planning Authority:

- is not taken to support the application by preparing the draft MPA;
- must continue to assess the merits of the application; and
- is not bound to proceed with the amendment.

Payment of fees

If your application was accepted 'Final administrative charges for major territory plan amendments and supporting report' fees must now be paid. This fee can be paid online via the Access Canberra website. The MPA will not be progressed until the territory planning authority receives receipt of payment. Receipt of payment should be emailed to the Territory Plan & Coordination Section of the Environment, Planning and Sustainable Development Directorate (EPSDD).

What happens if my application is refused?

If the proposal is refused, you may contact EPSDD to discuss the decision. A new application will be required to consider an amended proposal.

Will the application be made publicly available?

If this application is accepted, pursuant to Section 57 of the *Planning Act 2023*, a copy of this decision, supporting report and any additional information will be published on the Territory Planning Authority's website when the draft amendment is published for public consultation (section 61).

Further information about the MPA process?

Further information about the MPA process, including statutory and non-statutory steps, please see the EPSDD website:

<https://www.planning.act.gov.au/professionals/our-planning-system/the-territory-plan/amendments-to-the-territory-plan>

Contact

The Territory Plan and Coordination Section can be contacted by:

Phone: 13 22 81

Email: terrplan@act.gov.au



Australian Government
Department of Home Affairs



When you need an interpreter, phone 131 450



Arabic

عندما تحتاجون إلى مترجم، إتصلوا
على الرقم 131 450

Chinese

当您需传译员时，请拨电话
131 450

Dari

وقتی به ترجمان ضرورت دارید، به
131 450 تلفون کنید.

Farsi (alt Persian)

وقتی که به مترجم شفاهی نیاز دارید،
به شماره 131 450 تلفن کنید

Greek

Όταν χρειάζεστε διερμηνέα,
καλέστε το 131 450

Hazaragi

وختیکه شموده یگو ترجمون نیازدرین ده
شماره 131 450 زنگ زده شونه

Italian

Quando hai bisogno di un
interprete, telefona al 131 450

Japanese

通訳が必要な場合は、
131 450 に電話して
ください

Karen

နမိလိၣ်တၢ်ဒုၣ်တၢ်တၢ်ဖိန့ၣ်,
ဆဲးကိၣ်လိၣ်တဲၣ်စိၣ် 131 450 တက့ၢ်

Korean

통역사가 필요하시면 131
450 번으로 전화하세요

Nepali

दोभापे चाहिँदा, 131 450 मा फो
न गर्नहोस्

Pashto

کوم وخت چی تاسو ژباړونکي ته اړتیا
لری، 131 450 شمیری ته زنگ ووهی

Serbian

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јавите се на 131 450

Somali

Markaad u baahato
turjumaan, ka wac 131 450

Spanish

Cuando necesite un
intérprete, llame al 131 450.

Russian

Когда вам потребуется
переводчик, позвоните по
номеру 131 450

Tamil

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என்ற இலக்கத்திற்கு அழைங்கள்

Thai

เมื่อใดที่คุณต้องการล่าม
โปรดโทรไปที่ 131 450

Turkish

Bir tercümana ihtiyacınız olduğunda,
131 450 numaralı telefonu arayın

Vietnamese

Khi cần thông dịch viên, xin quý
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