Australian Capital Territory

Planning and Development (Technical Amendment—Miscellaneous Amendment) Plan Variation 2015 (No 2)*

Notifiable Instrument NI2015—471

Technical Amendment No 2015-06

made under the

Planning and Development Act 2007, section 89 (Making technical amendments)

This technical amendment commences on 14 August 2015.

Variation No 2015-06 to the Territory Plan has been approved by the planning and land authority.

Jim Corrigan
Delegate of the planning and land authority
5 August 2015



Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2015-06

Code, clarification and relocation amendments to the single dwelling and multi unit housing development codes and various precinct codes

Commencement version

August 2015

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Table of Contents

1.	INTRODUCTION	1
1.1	Purpose	1
1.2	Public consultation	2
1.3	National Capital Authority	2
1.4	Process	2
1.5	Types of technical amendments under the Act	2
2.	EXPLANATION	4
2.1	Single dwelling housing development code	4
2.1.1	Building envelope provisions - Rules R6, R8, R9	4
2.1.2	Parking and site access – Rule R36	9
2.2	Multi unit housing development code1	0
2.2.1	Clarification of street frontage – Rule R131	0
2.2.2	Building envelope provisions – Rule R251	1
2.2.3	Adjustment to Table A2 – maximum dwelling numbers1	3
2.2.4	Adjustment to Table A3 – maximum dwelling numbers1	5
2.3	Coombs precinct map and code1	7
2.3.1	Relocation of R60 from concept plan to precinct code1	7
2.3.2	Relocation of various provisions from concept plan to precinct code1	8
2.4	Kingston precinct map and code2	3
2.4.1	Clarification of Rule R402	3
2.4.2	Criterion (C42) added to Rule R42 under Item 8.1 Number of storeys 2	5
2.5	Wright precinct map and code2	7
3.	TECHNICAL AMENDMENT	1

3.1	Single dwelling housing development code	31
3.2	Multi unit housing development code	33
3.3	Coombs precinct map and code	36
3.4	Kingston precinct map and code	40
3.5	Wright precinct map and code	42

1. INTRODUCTION

1.1 Purpose

This technical amendment makes the following changes to the Territory Plan:

Single dwelling housing development code

- Simplification of wording for building envelope provisions Rules R6, R8, R9
- Clarification of parking and site access provisions Rule R36

Multi unit housing development code

- Clarification of Rule R13 street frontage
- Simplification of wording for building envelope provisions Rule R25
- Adjustment to Table A2 Maximum number of dwellings allowable on single dwelling blocks in RZ2

Coombs precinct map and code

- Relocation of rules and criteria from Coombs and Wright concept plan into Coombs precinct map and code (C54, R55, R56, C57, R62 and C62)
- Relocation of Criterion C60 from Coombs and Wright concept plan into Coombs precinct map and code
- Relocation of areas showing shop frontages and urban streetscape from Figure 4 in concept plan into figure in precinct code

Kingston precinct map and code

- Clarification of wording in Rule R40 regarding building height provisions
- Addition of criterion C42 to Item 8.1 Number of storeys

Wright precinct map and code

 Relocation of areas showing shop frontages and urban streetscape from Figure 4 in concept plan into figure in precinct code

1.2 Public consultation

Under section 88 of the Planning and Development Act 2007 (the Act) this type of technical amendment is subject to limited public consultation. The public was notified through a newspaper notice. At the conclusion of the limited consultation period, any representations were considered by the planning and land authority (the Authority) within the Environment and Planning Directorate. The Authority then determines a day when the technical amendment is to commence by way of a commencement notice.

1.3 National Capital Authority

The National Capital Authority has been advised of this technical amendment.

1.4 Process

This technical amendment has been prepared in accordance with section 87 of the *Planning and Development Act 2007* (the Act). Comments received from the public and the National Capital Authority were taken into account before the planning and land authority "made" the technical amendment under section 89 of the Act. The planning and land authority must now notify the public of its decision.

Minor changes were made to the figures to be incorporated into the Wright and Coombs precinct codes in response to a submission on the validity of the inclusion of main pedestrian areas and routes for certain sections.

1.5 Types of technical amendments under the Act

The following categories of technical amendments are provided under section 87 of the Act:

- (a) a variation (an error variation) that -
 - (i) would not adversely affect anyone's rights if approved; and
 - (ii) has as its only object the correction of a formal error in the plan
- (b) a variation (a **code variation**) that
 - (i) would only change a code; and
 - (ii) is consistent with the policy purpose and policy framework of the code; and
 - (iii) is not an error variation
- (c) a variation in relation to a future urban area under section 95 (Technical amendments future urban areas);
- (d) a variation in relation to an estate development plan under section 96 (Effect of approval of estate development plan);
- (e) a variation to change the boundary of a zone or overlay under section 96A (Rezoning boundary changes);

- (f) a variation required to bring the territory plan into line with the national capital plan;
- (g) a variation to omit something that is obsolete or redundant in the territory plan;
- (h) a variation to clarify the language in the territory plan if it does not change the substance of the plan;
- (i) a variation to relocate a provision within the territory plan if the substance of the provision is not changed.

Following each item in Part 2 Explanation of this technical amendment is a statement of compliance against the specific criteria for the relevant category of technical amendment.

TA2015-06 has been prepared in accordance with sections 87(b), (h) and (i) of the Act.

2. EXPLANATION

This part of the technical amendment document explains the changes to be made to the Territory Plan, the reasons for the change, and a statement of compliance against the relevant section of the Act.

2.1 Single dwelling housing development code

2.1.1 Building envelope provisions - Rules R6, R8, R9

The wording for the building envelope provisions was simplified for Rule R7 in a previous technical amendment to remove the reference to 'infinite points etc'; however this was not carried over to the other rules relating to building envelopes. This technical amendment seeks to address this situation by amending rules R6, R8, and R9 to bring in line with the revised and simplified wording in rule R7.

Existing provisions

1.5 Building envelope - all large blocks, mid sized blocks approved after 5 July 2013 and integrated housing development parcels

R6

This rule applies to all of the following:

- a) large blocks
- b) *mid sized blocks* approved under an estate development plan after 5 July 2013
- c) integrated housing development parcels but does not apply to that part of the building on a single dwelling block that is required to be built to a boundary of the block by a precinct code applying to an integrated housing development parcel of which the block is a part.

Buildings are sited wholly within the building envelope formed by projecting planes over the subject *block* comprising lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except as required by the next rule.

Refer to figure 1.

C6

- a) consistency with the desired character
- reasonable levels of privacy for dwellings on adjoining residential blocks and their associated private open space.

1.7 Building envelope - mid sized blocks approved before 5 July 2013

R8

This rule applies to *mid sized blocks* with one of the following characteristics:

- a) approved under an estate development plan before 5 July 2013
- b) for which a *lease* was granted before 5 July 2013

but does not apply to that part of the building on a single dwelling block that is required by a precinct code to be built to a boundary of the block.

Buildings are sited wholly within the building envelope formed by projecting planes over the subject block comprising:

- a) within the primary building zone
 - a) lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 4.5m above each side boundary, except for *north facing boundaries* of adjoining *residential blocks*
 - from north facing boundaries of adjoining residential blocks, lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 2m above these boundaries.
 - c) despite item ii), where a wall is located on a north facing boundary of an adjoining residential block, lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 3m above these boundaries.
- b) within the rear zone
 - a) lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for north facing boundaries of adjoining residential blocks
 - b) from north facing boundaries of adjoining residential blocks, lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 2m above these boundaries.

Refer Figure 2.

Note: North facing boundary means a boundary of a block where a line drawn perpendicular to the boundary outwards is orientated between north 20 degrees west and north 30 degrees east.

C8

- a) consistency with the desired character
- b) reasonable levels of privacy for *dwellings* and their associated *private open space* on adjoining *residential blocks*
- c) reasonable solar access to *dwellings* and their associated *private open space* on adjoining *residential blocks*.

R9

This rule applies to *mid-sized blocks* and *compact blocks* with one of the following characteristics:

- a) approved under an *estate development* plan before 5 July 2013
- b) for which a *lease* was granted before 5 July 2013

Where a garage wall is located on, or setback from, the *northern boundary* of an adjoining *residential block*, a 1m encroachment of the wall is permitted vertically beyond the building envelope, provided the wall and roof element associated with the wall do not encroach beyond a plane projected at 30° to the horizontal from an infinite number of points on a line of infinite length 3m above the respective boundary.

Refer Figure 2.

C9

Buildings achieve all of the following:

- a) consistency with the desired character
- b) reasonable levels of privacy for *dwellings* and their associated *private open space* on adjoining *residential blocks*
- c) reasonable solar access to *dwellings* and their associated *private open space* on *adjoining residential blocks*.

Proposed provisions (underlined)

1.5 Building envelope - all large blocks, mid sized blocks approved after 5 July 2013 and integrated housing development parcels

R6

This rule applies to all of the following:

- a) large blocks
- b) *mid sized blocks* approved under an estate development plan after 5 July 2013
- c) integrated housing development parcels

but does not apply to that part of the building on a *single dwelling block* that is required to be built to a boundary of the block by a precinct code applying to an *integrated housing development* parcel of which the block is a part.

Buildings are sited wholly within the building envelope formed by planes projected over the subject block at 45° to the horizontal from a height of 3.5m above each side and rear boundary, except as required by the next rule. Refer to figure 1.

C6

- a) consistency with the desired character
- b) reasonable levels of privacy for *dwellings* on adjoining *residential blocks* and their associated *private open space*.

1.7 Building envelope - mid sized blocks approved before 5 July 2013

R8

This rule applies to *mid sized blocks* with one of the following characteristics:

- a) approved under an estate development plan before 5 July 2013
- b) for which a *lease* was granted before 5 July 2013

but does not apply to that part of the building on a single dwelling block that is required by a precinct code to be built to a boundary of the block.

Buildings are sited wholly within the building envelope formed by <u>planes projected</u> over the subject *block* comprising:

- a) within the primary building zone -
 - a) lines projected at 45° from a height of 4.5m above each side boundary, except for north facing boundaries of adjoining residential blocks
 - b) from *north facing boundaries* of adjoining *residential blocks*, lines projected at 45° from a height of 2m above these boundaries.
 - c) despite item ii), where a wall is located on a *north facing boundary* of an adjoining residential block, lines projected at 30° from a height of 3m above these boundaries.
- b) within the rear zone -
 - a) lines projected at 30° from a height of 3.5m above each side and rear boundary, except for north facing boundaries of adjoining residential blocks
 - b) from *north facing boundaries* of adjoining residential blocks, lines projected at 30° from a height of 2m above these boundaries.

Refer Figure 2.

Note: North facing boundary means a boundary of a block where a line drawn perpendicular to the boundary outwards is orientated between north 20 degrees west and north 30 degrees east.

C8

- a) consistency with the desired character
- b) reasonable levels of privacy for *dwellings* and their associated *private open space* on adjoining *residential blocks*
- c) reasonable solar access to *dwellings* and their associated *private open space* on adjoining *residential blocks*.

R9

This rule applies to *mid-sized blocks* and *compact blocks* with one of the following characteristics:

- a) approved under an estate development plan before 5 July 2013
- b) for which a *lease* was granted before 5 July 2013

Where a garage wall is located on, or setback from, the *northern boundary* of an adjoining *residential block*, a 1m encroachment of the wall is permitted vertically beyond the building envelope, provided the wall and roof element associated with the wall do not encroach beyond a plane comprising lines projected at 30° from a height of 3m above the respective boundary. Refer Figure 2.

C9

Buildings achieve all of the following:

- a) consistency with the desired character
- reasonable levels of privacy for dwellings and their associated private open space on adjoining residential blocks
- reasonable solar access to dwellings and their associated private open space on adjoining residential blocks.

s87(b) a variation (a code variation) that (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation. Compliant. This amendment revises th wording in rules R6, R8 and R9 to be consistent with previously revised wording in rule R7. The revised wording in rule R7 is to simplify the wording in the rules, it does not change the intent of the rule, and is consistent with the policy purpos and policy framework of the code.

2.1.2 Parking and site access - Rule R36

The current wording of this provision is ambiguous in terms of the references to laneways and frontages. It is proposed to clarify the wording to make it clearer to the user of the code the intent of the provision. Laneways in this instance means laneways to access rear loading blocks, and 'frontage' in sub-section b) means the front face (or façade) of the dwelling and not the 'street frontage' which could be taken to mean the width of the block. The phrase 'façade of the dwelling' is also consistent with the language used in the relevant criterion.

Existing provision

4.3 Parking		
Rules	Criteria	
R36	C36	
This rule applies to street frontages except frontages to laneways.	Garages or carports achieve all of the following: a) consistency with the <i>streetscape</i>	
The maximum total width of garage doors and external width of carports the lesser of the following:	b) consistency with the desired characterc) compatibility with the façade of the associated dwelling.	
a) 6mb) 50% of the frontage.		

Proposed provision

4.3 Parking	
Rules	Criteria
R36	C36
This rule applies to street frontages except frontages to laneways (rear loading blocks). The maximum total width of garage doors and external width of carports is the lesser of the following:	 Garages or carports achieve all of the following: a) consistency with the <i>streetscape</i> b) consistency with the <i>desired character</i> c) compatibility with the façade of the associated <i>dwelling</i>.
a) 6mb) 50% of the <u>façade of the dwelling.</u>	

Section	Statement
s87(h) a variation to clarify the language	Compliant. The current wording is
in the territory plan if it does not change	ambiguous and open to
the substance of the plan.	misinterpretation. This amendment
	clarifies the language of the rule to
	ensure the intent of the provision is
	clearer to proponents and assessors and
	therefore avoid potential for
	misinterpretation.

2.2 Multi unit housing development code

2.2.1 Clarification of street frontage – Rule R13

Requests have been received for clarification of what constitutes a 'street frontage' with reference to Rule R13 of the code. It is proposed to refine the wording in the rule to remove any doubt regarding the interpretation of the requirements of the provision.

Existing provision

Rules	Criteria	
3.9 Additional dwellings – single dwelling blocks – RZ2		
R13		
This rule applies to <i>single dwelling blocks</i> in RZ2 where the street frontage that allows vehicular access is 20m or less.	This is a mandatory rule. There is no applicable criterion.	
Despite any other rule in this element, the maximum number of <i>dwellings</i> is 3.		

Proposed provision

Rules	Criteria	
3.9 Additional dwellings – single dwelling blocks – RZ2		
R13		
This rule applies to single dwelling blocks in RZ2 where the street frontage length of the front boundary facing a public road that allows vehicular access is 20m or less.	This is a mandatory rule. There is no applicable criterion.	
Despite any other rule in this element, the maximum number of <i>dwellings</i> is 3.		

Section	Statement
s87(b) a variation (a code variation) that	Compliant. This code variation amends
(i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	the wording in the existing provision to clarify the requirements of the rule.

2.2.2 Building envelope provisions – Rule R25

The wording for the building envelope provisions was simplified for Rule R7 in the single dwelling housing development code in a previous technical amendment to remove the reference 'infinite points etc', however this was not carried over to the other rules relating to building envelopes. This technical amendment seeks to address this situation by amending Rule R25 in the multi unit housing development code to bring in line with the revised and simplified wording in the single dwelling housing development code.

Existing provision

3.20 Building envelope – all blocks except buildings over 3 storeys in RZ5 and commercial zones

R25

This does not apply to one or more of the following:

- a) buildings with more than 3 storeys in RZ5
- b) buildings with more than 3 storeys in commercial zones.

Buildings are sited wholly within the building envelope formed by projecting planes over the subject *block* comprising lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except as required by the next rule.

Refer figure A1.

Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.

C2

Buildings achieve all of the following:

- a) consistency with the desired character
- b) reasonable levels of privacy for *dwellings* on adjoining *residential blocks* and their associated *private open space*.

Proposed provision

3.20 Building envelope – all blocks except buildings over 3 storeys in RZ5 and commercial zones

R25

This does not apply to either of the following:

- buildings with more than 3 storeys in RZ5
- b) buildings with more than 3 storeys in commercial zones.

Buildings are sited wholly within the building envelope formed by <u>planes projected over the subject block</u> at 45° to the horizontal from a

C25

- a) consistency with the desired character
- b) reasonable levels of privacy for *dwellings* on adjoining *residential blocks* and their associated *private open space*.

height of 3.5m above each side and rear boundary, except as required by the next rule.

Refer figure A1.

Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.

Section	Statement
s87(b) a variation (a code variation) that (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. This amendment revises the wording in Rule R25 to be consistent with previously revised wording in rule R7 of the single dwelling housing development code. The revised wording is to simplify the wording in the rule, it does not change the intent of the rule, and is consistent with the policy purpose and policy framework of the code.

2.2.3 Adjustment to Table A2 – maximum dwelling numbers -

Table A2 specifies the maximum number of dwellings for single dwelling blocks in RZ2 based on block size. The table specifies the maximum number of dwellings for blocks up to but not including 2350m² and blocks over 2350m², but not blocks of exactly 2350m². The table has been adjusted to address this issue, and make it clear that for block sizes of 2100m² and over, the maximum number of dwellings permitted is 6 + 1 for every 250m² of site area over 2100m². The amendment has no effect on the block size requirements or the maximum number of dwellings permitted.

Existing provision

Table A2 - Maximum number of dwellings allowable on single dwelling blocks in RZ2

block size (m²)	maximum number of dwellings
<700	1*
700 to <1050	2
1050 to <1400	3
1400 to <1750	4
1750 to <2100	5
2100 to <2350	6
over 2350	6 + 1 for every 250m ^{2**} of site area over 2350m ²

^{*} not including a secondary residence

Proposed provision

Table A2 - Maximum number of dwellings allowable on single dwelling blocks in RZ2

block size (m²)	maximum number of dwellings
<700	1*
700 to <1050	2
1050 to <1400	3
1400 to <1750	4
1750 to <2100	5
2100 and over	6 + 1 for every 250m ^{2**} of site area over 2100m ²

^{*} not including a secondary residence

^{**} not less than 250m² is required for every additional dwelling

^{**} not less than 250m² is required for every additional dwelling

Section		Statement
s87(b) a variation (a code variation) that	Compliant. The table has been adjusted
_		to make it clear that blocks over 2100m ²
(i)	would only change a code	in size can accommodate a maximum of
(ii)	is consistent with the policy	6 dwellings +1 for every 250m² site area
	purpose and policy framework of	over 2100m ² . There is no change to the
	the code; and	intent of the provision. The change is
(iii)	is not an error variation.	consistent with the policy purpose and
		policy framework of the code.

2.2.4 Adjustment to Table A3 – maximum dwelling numbers

Table A3 specifies provisions for the maximum number of dwellings for adaptable housing on single dwelling blocks in RZ2. The table specifies the maximum number of dwellings for blocks up to but not including 1350m² and blocks over 2350m², but not for a blocks of exactly 1350m². The table has been adjusted to address this issue, and clarify that for blocks of 1350m² and over, the maximum number of dwellings permitted is 4 + 1 for every 250m² of site area over 1350m². The amendment has no effect on the block size requirements or the maximum number of dwellings permitted.

Existing provision

block size (m²)	maximum number of dwellings
<600	1*
600 to <850	2
850 to <1100	3
1100 to <1350	4
over 1350	4 + 1 for every 250m ^{2**} of site area over 1350m ²

^{*} not including a secondary residence

Proposed provision

Table A3 – Maximum number of dwellings for adaptable housing allowable on single dwelling blocks in RZ2

block size (m²)	maximum number of dwellings
<600	1*
600 to <850	2
850 to <1100	3
1100 to <1350	4
<u>1350 and over</u>	5 + 1 for every 250m ^{2**} of site area over 1350m ²

^{*} not including a secondary residence

^{**} not less than 250m² is required for every additional dwelling

^{**} not less than 250m² is required for every additional dwelling

Section		Statement
s87(b (i) (ii)) a variation (a code variation) that would only change a code is consistent with the policy purpose and policy framework of	Compliant. The table has been adjusted to make it clear that blocks of 1350m² and over in size can accommodate a maximum of 5 dwellings +1 for every 250m² site area over 1350m². There is
(iii)	the code; and is not an error variation.	no change to the intent of the provision. The change is consistent with the policy purpose and policy framework of the code.

2.3 Coombs precinct map and code

2.3.1 Relocation of R60 from concept plan to precinct code

Criterion C60 in the Coombs and Wright concept plan refers to the requirements for the interface between urban zones and urban open space/ river corridor zone. This provision has been included in the RC1 – Residential use area but not in the RC2 – RZ5 residential area and RC3 – CFZ Community facilities zone sections of the precinct code. It is considered that this provision is still relevant for proposed developments in the RZ5 and CFZ zones in Coombs as these are classified as urban zones.

Proposed provision (to add to RC2 and RC3 areas in the Coombs precinct code)

Element x: Amenity

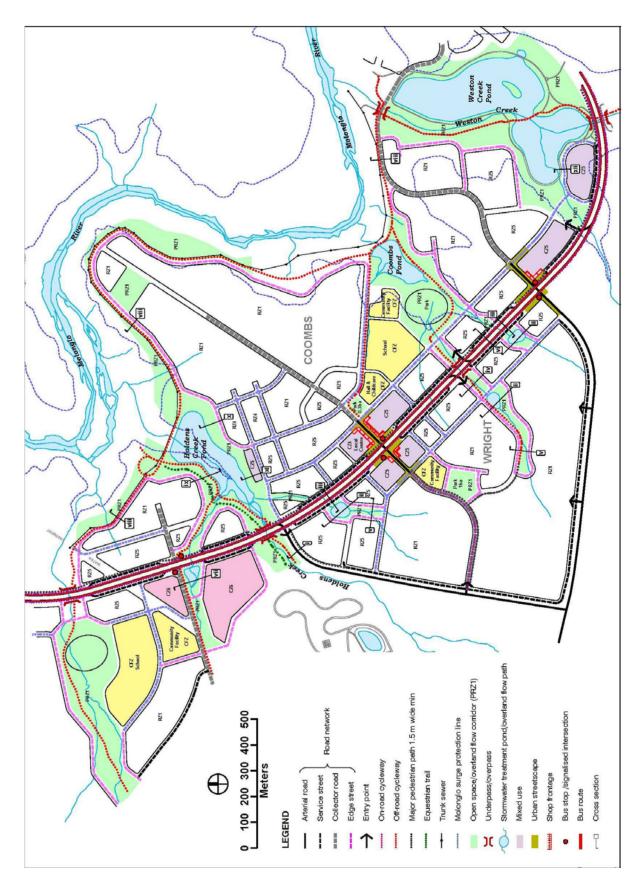
Rules	Criteria	
X.x Boundaries between multi-unit residential and open space		
	Cx	
There is no applicable rule.	The common boundary between urban zones (other than single residential blocks) and PRZ1 and NUZ4 achieves the following:	
	a) ease of access to urban open space corridors	
	b) surveillance of urban open space corridors	
	c) avoidance of rear boundary fencing	
	d) ground floor dwelling address to urban open space where there is no edge street.	

Section	Statement
section s87(i) a variation to relocate a provision within the territory plan if the substance of the provision is not changed	Compliant. This amendment relocates relevant provisions from the Coombs and Wright concept plan to the Coombs precinct code as the content of the provision is still relevant to proposed development on land in the CZ4, CZ5, RZ5 and CFZ zones. The substance of
	the provisions has not been changed.

2.3.2 Relocation of various provisions from concept plan to precinct code

It is proposed to transfer the specific provisions relating to the commercial CZ4 local centre zone and CZ5 mixed use zone in the Coombs and Wright concept plan to the Coombs precinct code as the provisions are still applicable for development on these sites even though the future urban area overlay has been uplifted. The relevant provisions relate to requirements for building heights, building envelopes and requirements for adaptability to commercial uses. The rules and criteria that are proposed to be relocated from the concept plan to the precinct code are C54, R55, R56, C57, R62 and C62.

In addition, Figure 4 of the concept plan shows the intersections and associated corners with John Gorton Drive and other roads within the CZ4 and CZ5 zones (including Fred Daly Avenue) as requiring a 'Shop Frontage' and an 'Urban Streetscape'. This would be considered as 'active frontages' and 'main pedestrian routes' respectively under the requirements of the commercial zones development code. It is proposed to include a figure identifying this in the precinct code to clarify that these areas are considered 'active frontages' and 'main pedestrian areas and routes' for the purposes of R50 and C50 of the commercial zones development code.



Existing Figure 4 concept plan in Coombs and Wright Concept Plan showing 'shop frontage' and 'urban streetscape' locations

RC4 – Commercial zones

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

Rules	Criteria	
9.1 Local centre/mixed use node		
R11 Buildings in CZ5 at the junction of John Gorton Drive and Fred Daly Avenue address both John Gorton Drive and Fred Daly Avenue.	This is a mandatory requirement. There is no applicable criterion.	
There is no applicable rule.	C12 Buildings in CZ5 at the junction of John Gorton Drive and Fred Daly Avenue, and fronting Fred Daly Avenue, are designed to be adaptable for commercial use.	
R13 Buildings facing John Gorton Drive have a minimum building height of 3 storeys.	This is a mandatory requirement. There is no applicable criterion.	
	C14 Buildings in CZ4 are designed to have the ground floor level to be adaptable for commercial use. Note: This criterion does not apply to buildings fronting the northern part of Blackmore Street.	
9.2 Building envelope – residential buildings v	with three storeys or fewer	
This rule applies to single dwelling housing or multi unit housing with three storeys or fewer. Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for <i>northern boundaries</i> of adjoining <i>residential blocks</i> , which are dealt with by the next rule. Refer Figure 1.	Buildings achieve all of the following: a) consistency with the desired character b) reasonable levels of privacy for dwellings on adjoining residential blocks and their associated private open space.	

9.3 Active frontages and main pedestrian areas

R16

This rule applies to Figure 5.

Areas identified as 'active frontages' and 'main pedestrian areas and routes' comply with the applicable provisions in the commercial zones development code.

This is a mandatory requirement. There is no applicable criterion.

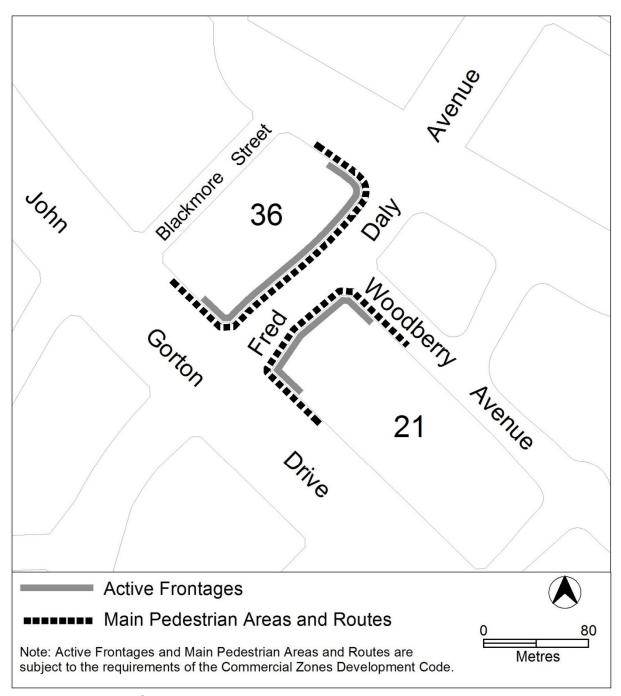


Figure 5: Active frontages and main pedestrian areas and routes

TA2015-06 August 2015 page 21

Section	Statement
s87(i) a variation to relocate a provision within the territory plan if the substance of the provision is not changed	Compliant. This amendment relocates relevant provisions from the Coombs and Wright concept plan to the Coombs precinct code as the content of the provision is still relevant to proposed development on land in the CZ4 and CZ5 zones. The substance of the provisions has not been changed.

2.4 Kingston precinct map and code

2.4.1 Clarification of Rule R40

This amendment aims to clarify the language of rule R40 to avoid confusion with other rules relating to building height requirements in the precinct code, such as rule R41 which has a maximum height restriction of 2 storeys for certain areas. It is proposed to clarify the intent of the rule by adding "Unless otherwise stated" before the existing wording in the rule. This will alert the user to take cognisance of other provisions when determining building heights for a particular development proposal.

Existing provision

Element 8: Buildings

Rules	Criteria	
8.1 Number of storeys		
R40 The maximum number of <i>storey</i> is 4 with a parapet level at the third storey level.		
	i) they achieve urban design objectives such as adding visual interest to the built form, appropriately framing major public spaces, marking important corners or transition points, or screening unsightly elements from the public domain ii) they do not significantly impact on	
	the landscape of the area iii) their ground floor level is not greater than RL 560m iv) they do not detract or compromise views and vistas to the Power	
	House v) the footprint of the higher building elements is no greater than a 15m x 20m rectangle	
	b) to retain significant visual links between the Power House building and East Basin, the roofline of development in area b is punctuated to frame and emphasise the views of the Power House building	

c)	the overall maximum height of building
	does not exceed the lesser of RL578m
	or 20m

Proposed provision

Element 8: Buildings

Rules	Criteria		
8.1 Number of storeys			
R40 <u>Unless otherwise stated in this precinct code.</u> the maximum number of <i>storeys</i> is 4 with a parapet level at the third storey level.	C40 The number of <i>storeys</i> achieve all of the following:		
	a) a limited number of buildings may exceed 4 storeys provided they comply with all of the following:		
	i) they achieve urban design objectives such as adding visual interest to the built form, appropriately framing major public spaces, marking important corners or transition points, or screening unsightly elements from the public domain		
	ii) they do not significantly impact on the landscape of the area		
	iii) their ground floor level is not greater than RL 560m		
	iv) they do not detract or compromise views and vistas to the Power House		
	v) the footprint of the higher building elements is no greater than a 15m x 20m rectangle		
	b) to retain significant visual links between the Power House building and East Basin, the roofline of development in area b is punctuated to frame and emphasise the views of the Power House building		
	c) the overall maximum <i>height of building</i> does not exceed the lesser of RL578m or 20m		

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment aims to clarify the language of rule R40 to avoid confusion with other rules relating to building height requirements. There is no change to the substance of the rule.

2.4.2 Criterion (C42) added to Rule R42 under Item 8.1 Number of storeys

A criterion is being added to complement rule R42 under Item 8.1 which refers to the number of storeys permissible in specific areas within the Kingston Foreshore precinct. This is to ensure a consistent approach is maintained for certain provisions permitting limited flexibility regarding the number of storeys for buildings in the precinct code, which was the original policy intent for the area. The proposed criterion C42 is similar to C40 that is already provided for Figure 4. The only difference between the existing C40 and the proposed C42 is that it does not include the requirement regarding a ground floor level being not greater than RL560m as the natural ground level in the area covered by Figure 5 (Parberry Street/The Causeway) is already above that height in parts. The overall height limit for the site will be the same as in C40.

Existing provision

Rules	Criteria
R42	
This rule applies to area B shown in figure 5. The maximum number of storeys is 4.	This is a mandatory requirement. There is no applicable criterion.

Proposed provision

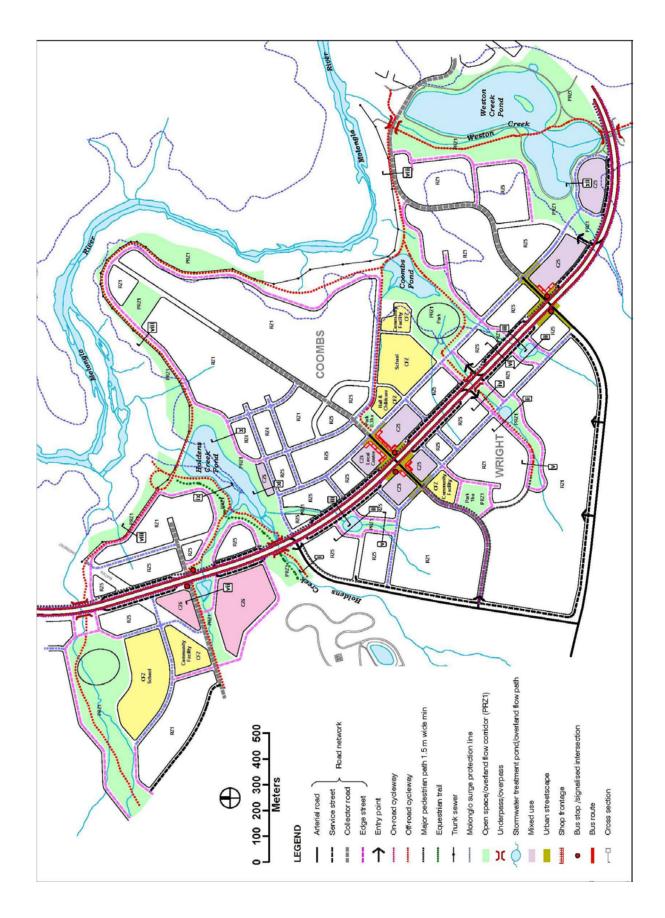
Rules	Criteria
R42	C42
This rule applies to area B shown in figure 5. The maximum number of storeys is 4.	The number of <i>storeys</i> achieve all of the following: a) a limited number of buildings may
	exceed 4 storeys provided they comply with all of the following:
	i. they achieve urban design objectives such as adding visual interest to the built form, appropriately framing major public spaces, marking

important corners or transition points, or screening unsightly elements from the public domain
ii. they do not significantly impact on the landscape of the area
iii. they do not detract or compromise views and vistas to the Power House
iv. the footprint of the higher building elements is no greater than a 15m x 20m rectangle
b) to retain significant visual links between the Power House building and East Basin, the roofline of development in area b is punctuated to frame and emphasise the views of the Power House building
 the overall maximum height of building does not exceed the lesser of RL578m or 20m

Section	Statement
s87(b) a variation (a code variation) that	Compliant. This amendment aligns with
(i) would only change a code	the original policy intent permitting limited
(ii) is consistent with the policy	flexibility for building heights in this area
purpose and policy framework of	and ensures consistency in provisions
the code; and	relating to building height and number of
(iii) is not an error variation.	storeys.

2.5 Wright precinct map and code

Figure 4 of the concept plan shows the intersections and associated corners with John Gorton Drive and Steve Irwin Avenue in the CZ5 zone as requiring a 'Shop Frontage' and an 'Urban Streetscape'. This would be considered as 'active frontages' and 'main pedestrian areas and routes' respectively under the requirements of the commercial zones development code. It is proposed to identify this in the precinct code by including a figure in the RC2 – Mixed use area, with minor amendments to the terminology to clarify that these areas are 'active frontages' and 'main pedestrian areas and routes' for the purposes of R50 and C50 of the commercial zones development code.



Existing Figure 4 concept plan in Coombs and Wright Concept Plan showing 'shop frontage' and 'urban streetscape' locations

Rules	Criteria	
5.3 Active frontages and main pedestrian areas		
R9		
This rule applies to Figure 4. Areas identified as 'active frontages' and 'main pedestrian areas and routes' comply with the applicable provisions in the commercial zones development code.	This is a mandatory requirement. There is no applicable criterion.	

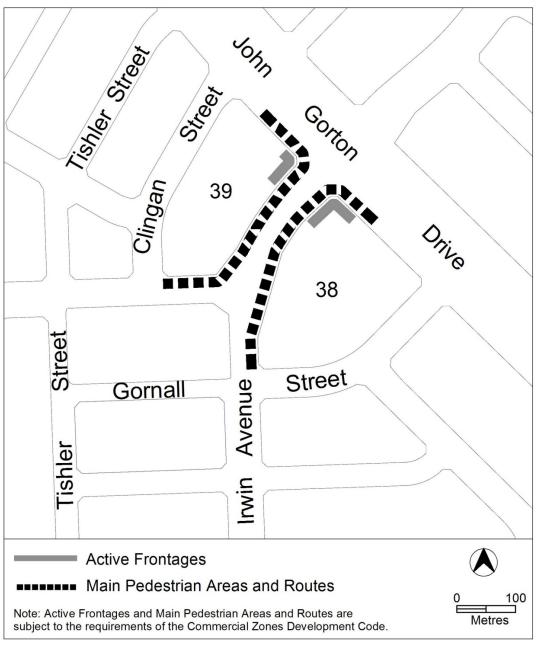


Figure 4 – Active frontages and main pedestrian areas and routes

Section	Statement
s87(i) a variation to relocate a provision	Compliant. This amendment relocates
within the territory plan if the substance	relevant provisions from the Coombs and
of the provision is not changed	Wright concept plan to the Wright
and:	precinct code as the content of the
s87(h) a variation to clarify the language	provision is still relevant to proposed
in the territory plan if it does not change	development on land in the CZ5 zones.
the substance of the plan.	The substance of the provisions has not
	been changed.

3. TECHNICAL AMENDMENT

This section of the technical amendment document provides the actual instructions for implementing the changes to the Territory Plan.

3.1 Single dwelling housing development code

 Element 1: Building and site controls; item 1.5 Building envelope – single dwelling blocks, Rule R6

Substitute

1.5 Building envelope - all large blocks, mid sized blocks approved after 5 July 2013 and integrated housing development parcels

D6

This rule applies to all of the following:

- a) large blocks
- b) *mid sized blocks* approved under an estate development plan after 5 July 2013
- c) integrated housing development parcels but does not apply to that part of the building on a single dwelling block that is required to be built to a boundary of the block by a precinct code applying to an integrated housing development parcel of which the block is a part.

Buildings are sited wholly within the building envelope formed by planes projected over the subject *block* at 45° to the horizontal from a height of 3.5m above each side and rear boundary, except as required by the next rule. Refer to figure 1.

C6

Buildings achieve all of the following:

- a) consistency with the desired character
- b) reasonable levels of privacy for *dwellings* on adjoining *residential blocks* and their associated *private open space*.

Element 1: Building and site controls; item 1.7 Building envelope – single dwelling blocks, Rules R8 and R9

Substitute

1.7 Building envelope - mid sized blocks approved before 5 July 2013

R8

This rule applies to *mid sized blocks* with one of the following characteristics:

- a) approved under an estate development plan before 5 July 2013
- b) for which a *lease* was granted before 5 July 2013

C8

- a) consistency with the desired character
- b) reasonable levels of privacy for *dwellings* and their associated *private open space* on adjoining *residential blocks*
- c) reasonable solar access to dwellings and

but does not apply to that part of the building on a *single dwelling block* that is required by a precinct code to be built to a boundary of the block.

Buildings are sited wholly within the building envelope formed by planes projected over the subject block comprising:

- a) within the primary building zone -
 - a) lines projected at 45° from a height of 4.5m above each side boundary, except for north facing boundaries of adjoining residential blocks
 - b) from *north facing boundaries* of adjoining *residential blocks*, lines projected at 45° from a height of 2m above these boundaries.
 - despite item ii), where a wall is located on a north facing boundary of an adjoining residential block, lines projected at 30° from a height of 3m above these boundaries.
- b) within the rear zone -
 - a) lines projected at 30° from a height of 3.5m above each side and rear boundary, except for north facing boundaries of adjoining residential blocks
 - b) from *north facing boundaries* of adjoining residential blocks, lines projected at 30° from a height of 2m above these boundaries.

Refer Figure 2.

Note: *North facing boundary* means a boundary of a block where a line drawn perpendicular to the boundary outwards is orientated between north 20 degrees west and north 30 degrees east.

C9

compact Buildings achieve all of the following:

- a) consistency with the desired character
- reasonable levels of privacy for dwellings and their associated private open space on adjoining residential blocks

their associated private open space on

adjoining residential blocks.

 reasonable solar access to dwellings and their associated private open space on adjoining residential blocks.

R9

This rule applies to *mid-sized blocks* and *compact blocks* with one of the following characteristics:

- a) approved under an estate development plan before 5 July 2013
- for which a *lease* was granted before 5 July 2013

Where a garage wall is located on, or setback from, the *northern boundary* of an adjoining *residential block*, a 1m encroachment of the wall is permitted vertically beyond the building envelope, provided the wall and roof element associated with the wall do not encroach beyond a plane projected at 30° from a height of 3m

above the respective boundary.	
Refer Figure 2.	

3. Element 4: Parking and site access; item 4.3 Parking, Rule R36 and Criterion C36

Substitute

4.3 Parking	
Rules	Criteria
R36	C36
This rule applies to street frontages except frontages to laneways (rear loading blocks).	Garages or carports achieve all of the following: a) consistency with the <i>streetscape</i>
The maximum total width of garage doors and external width of carports is the lesser of the following:	b) consistency with the desired characterc) compatibility with the façade of the associated dwelling.
a) 6mb) 50% of the façade of the <i>dwelling</i>.	

3.2 Multi unit housing development code

4. Part A: General controls; Element 3: Building and site controls; Item 3.9 Additional dwellings – single dwelling blocks – RZ2

Substitute

Rules	Criteria
3.9 Additional dwellings – single dwelling blocks – RZ2	
R13	
This rule applies to single dwelling blocks in RZ2 where the length of the front boundary facing a public road that allows vehicular access is 20m or less.	This is a mandatory rule. There is no applicable criterion.
Despite any other rule in this element, the maximum number of <i>dwellings</i> is 3.	

5. Part A: General controls; Element 3: Building and site controls; Item 3.20 Building envelope – all blocks except buildings over 3 storeys in RZ5 and commercial zones; Rule R25

Substitute

3.20 Building envelope – all blocks except buildings over 3 storeys in RZ5 and commercial zones

R25

This does not apply to either of the following:

- buildings with more than 3 storeys in RZ5
- b) buildings with more than 3 storeys in commercial zones.

Buildings are sited wholly within the building envelope formed by planes projected over the subject *block* at 45° to the horizontal from a height of 3.5m above each side and rear boundary, except as required by the next rule.

Refer figure A1.

Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys.

C25

Buildings achieve all of the following:

- a) consistency with the desired character
- reasonable levels of privacy for dwellings on adjoining residential blocks and their associated private open space.

 6. Part A: General controls; Element 3: Building and site controls, Table A2
 – Maximum number of dwellings allowable on single dwelling blocks in RZ2

Substitute

Table A2 - Maximum number of dwellings allowable on single dwelling blocks in RZ2

block size (m²)	maximum number of dwellings
<700	1*
700 to <1050	2
1050 to <1400	3
1400 to <1750	4
1750 to <2100	5
2100 and over	6 + 1 for every 250m ^{2**} of site area over 2100m ²

^{*} not including a secondary residence

7. Part A: General controls; Element 3: Building and site controls, Table A3
 – Maximum number of dwellings for adaptable housing allowable on single dwelling blocks in RZ2

Substitute

Table A3 – Maximum number of dwellings for adaptable housing allowable on single dwelling blocks in RZ2

block size (m²)	maximum number of dwellings
<600	1*
600 to <850	2
850 to <1100	3
1100 to <1350	4
1350 and over	5 + 1 for every 250m ^{2**} of site area over 1350m ²

^{*} not including a secondary residence

^{**} not less than 250m² is required for every additional dwelling

^{**} not less than 250m² is required for every additional dwelling

3.3 Coombs precinct map and code

8. Coombs precinct code: RC2 - RZ5 residential area

Insert after Rule R6

Element 6: Amenity

Rules	Criteria
6.1 Boundaries between multi-unit residential and open space	
	C7
There is no applicable rule.	The common boundary between urban zones (other than single residential blocks) and PRZ1 and NUZ4 achieves the following:
	a) ease of access to urban open space corridors
	b) surveillance of urban open space corridors
	c) avoidance of rear boundary fencing
	d) ground floor dwelling address to urban open space where there is no edge street.

9. Coombs precinct code: RC3 – CFZ Community facilities zone

Renumber

Element 6: Community use to Element 7: Community use

Item 6.1 Minimum community use to 7.1 Minimum community use

Rule R7 to R8

Criterion C8 to C9

10. Coombs precinct code: RC3 – CFZ Community facilities zone

Insert

Element 8: Amenity

Rules	Criteria	
8.1 Boundaries between multi-unit residential and open space		
	C10	
There is no applicable rule.	The common boundary between urban zones (other than single residential blocks) and PRZ1	

and NUZ4 achieves the following:
ease of access to urban open space corridors
b) surveillance of urban open space corridors
c) avoidance of rear boundary fencing
 d) ground floor dwelling address to urban open space where there is no edge street.

11. Coombs precinct code

Insert after RC3 Criterion C10

RC4 – Commercial zones

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

Element 9: Building and site controls

Rules	Criteria
9.1 Local centre/mixed use node	
R11 Buildings in CZ5 at the junction of John Gorton Drive and Fred Daly Avenue address both John Gorton Drive and Fred Daly Avenue.	This is a mandatory requirement. There is no applicable criterion.
There is no applicable rule.	C12 Buildings in CZ5 at the junction of John Gorton Drive and Fred Daly Avenue, and fronting Fred Daly Avenue, are designed to be adaptable for commercial use.
R13 Buildings facing John Gorton Drive have a minimum building height of 3 storeys.	This is a mandatory requirement. There is no applicable criterion.
	C14 Buildings in CZ4 are designed to have the ground floor level to be adaptable for commercial use. Note: This criterion does not apply to buildings fronting the northern part of Blackmore Street.

9.2 Building envelope - residential buildings with three storeys or fewer

R15

This rule applies to single dwelling housing or multi unit housing with three storeys or fewer. Buildings are sited wholly within the building envelope formed by projecting planes over the subject *block* comprising lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for *northern boundaries* of adjoining *residential blocks*, which are dealt with by the next rule. Refer Figure 1.

C15

Buildings achieve all of the following:

- a) consistency with the desired character
- reasonable levels of privacy for dwellings on adjoining residential blocks and their associated private open space.

9.3 Active frontages and main pedestrian areas

R16

This rule applies to Figure 5.

Areas identified as 'active frontages' and 'main pedestrian areas and routes' comply with the applicable provisions in the commercial zones development code.

This is a mandatory requirement. There is no applicable criterion.

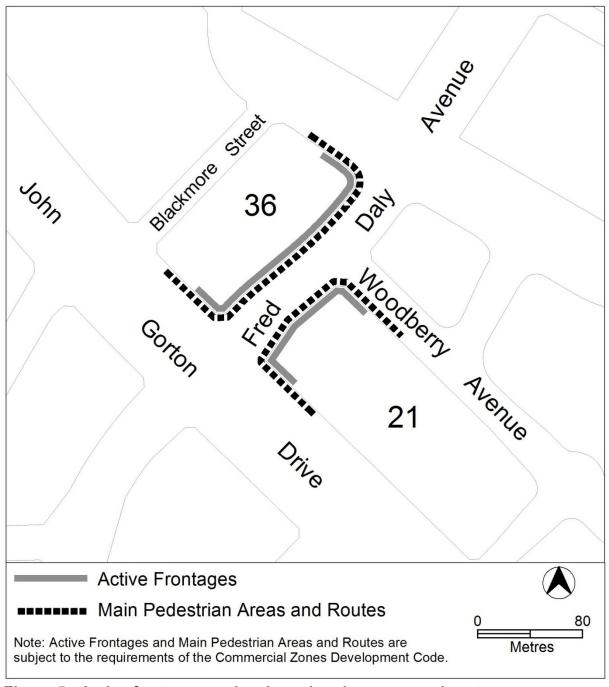


Figure 5: Active frontages and main pedestrian areas and routes

3.4 Kingston precinct map and code

12. Kingston precinct code

Substitute

Element 8: Buildings

Rules	Criteria
8.1 Number of storeys	
R40 Unless otherwise stated in this precinct code, the maximum number of <i>storeys</i> is 4 with a parapet level at the third storey level.	C40 The number of <i>storeys</i> achieve all of the following:
	a) a limited number of buildings may exceed 4 storeys provided they comply with all of the following:
	i) they achieve urban design objectives such as adding visual interest to the built form, appropriately framing major public spaces, marking important corners or transition points, or screening unsightly elements from the public domain
	ii) they do not significantly impact on the landscape of the area
	iii) their ground floor level is not greater than RL 560m
	iv) they do not detract or compromise views and vistas to the Power House
	v) the footprint of the higher building elements is no greater than a 15m x 20m rectangle
	b) to retain significant visual links between the Power House building and East Basin, the roofline of development in area b is punctuated to frame and emphasise the views of the Power House building
	 the overall maximum height of building does not exceed the lesser of RL578m or 20m

13. Kingston precinct code

Substitute

Element 8: Buildings

Rules	Criteria
R42	C42
This rule applies to area B shown in figure 5. The maximum number of storeys is 4.	The number of <i>storeys</i> achieve all of the following:
	d) a limited number of buildings may exceed 4 storeys provided they comply with all of the following:
	i. they achieve urban design objectives such as adding visual interest to the built form, appropriately framing major public spaces, marking important corners or transition points, or screening unsightly elements from the public domain ii. they do not significantly impact on the landscape of the area
	iii. they do not detract or compromise views and vistas to the Power House
	iv. the footprint of the higher building elements is no greater than a 15m x 20m rectangle
	e) to retain significant visual links between the Power House building and East Basin, the roofline of development in area b is punctuated to frame and emphasise the views of the Power House building
	f) the overall maximum height of building does not exceed the lesser of RL578m or 20m

3.5 Wright precinct map and code

14. Wright precinct code, RC2 – Mixed use area

Insert after Rule R8

Rules	Criteria
5.3 Active frontages and main pedestrian areas	
R9	
This rule applies to Figure 4. Areas identified as 'active frontages' and 'main pedestrian areas and routes' comply with the applicable provisions in the commercial zones development code.	This is a mandatory requirement. There is no applicable criterion.

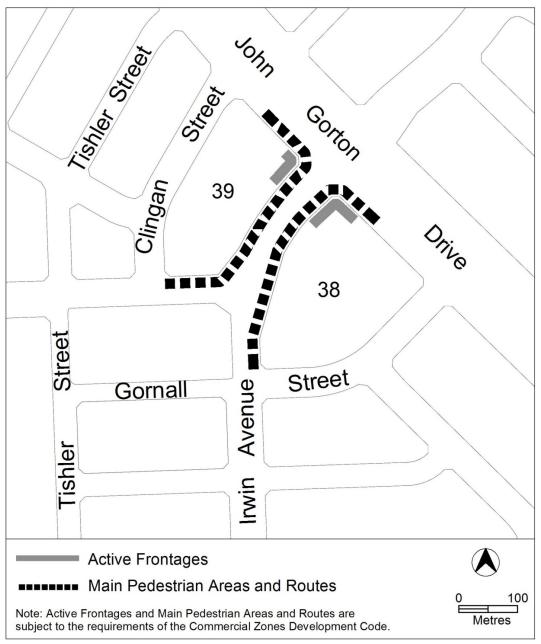


Figure 4 – Active frontages and main pedestrian areas and routes

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