

Australian Capital Territory

# **Planning and Development (Technical Amendment—Residential Zones Codes and WaterWays General Code) Plan Variation 2009 (No 1)\***

**Notifiable instrument NI2009—322**

**Technical Amendment No 2009- 08**

made under the

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

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This plan variation commences on 10 July 2009.

Variation 2009-08 to the Territory Plan has been approved by the Planning and Land Authority.

Kelvin Walsh  
Delegate of the Planning and Land Authority

06 July 2009

\*Name amended under Legislation Act, s 60



Planning & Development Act 2007

# **Technical Amendment to the Territory Plan No. V2009-08**

Proposed amendments to the Single Dwelling Housing Development Code, Multi Unit Housing Development Code, Inner North Precinct Code and WaterWays: Water Sensitive Urban Design General Code

July 2009

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# 1. INTRODUCTION

## Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Land Act 2007* establishes the ACT Planning and Land Authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary.

Technical amendments to the Territory Plan are prepared in accordance with the *Planning and Development Act 2007* (the Act). A code variation is a technical amendment that

- would only change a code; and
- is consistent with the policy purpose and policy framework of the code; and
- is not an error variation.

Following the release of the code variation under section 90 of the Act, submissions from the public are invited. At the conclusion of the limited consultation period, any representations are considered by the ACT Planning and Land Authority (the Authority). The Authority then determines a day when the code variation is to commence by way of a Commencement Notice.

# 2. EXPLANATORY STATEMENT

## Proposed Changes and Reasons

### A. Clarify requirements for compact blocks in the *Single Dwelling Housing Development Code* (items 1-5)

Rules have been reworded to clarify the setback provisions relating to rear-loaded blocks in new residential estates (items 1, 2, 3 & 5). As currently worded, the boundary adjoining the rear lane is considered a rear boundary. This however is contradictory to the front boundary definition. The rules as amended address this issue. Item 4 clarifies that the setback for fencing or courtyard walls is from the front boundary rather than the side boundary, as well as including a reference to the Residential Boundary Fences General Code. This provides clearer fencing provisions to boundaries adjoining open space.

### B. Site Area Requirements for Dual Occupancy Housing in Multi Unit Housing Development Code (item 6)

The current restriction on block size for dual occupancy housing does not provide for those that were approved prior to this restriction coming into place. Therefore it is proposed that this mandatory rule does not apply to applications to change the lease for existing approved dual occupancies on blocks smaller than 800m<sup>2</sup>.

**C. Parking provisions in Multi Unit Housing Development Code (item 7)**

The requirement for one parking space to be roofed is being amended so that it is one per dwelling as opposed to one per development. This change will make the requirement consistent with the previous Territory Plan.

**D. Private Open Space in Multi Unit Housing Development Code (item 8)**

At R89 a) the requirement for private open space will be amended from '10% of the area of the block' to '10% of the average block area per dwelling'. This will be consistent with the provisions applicable under the previous Territory Plan.

**E. Rear Zone Site Coverage Rule in Inner North Precinct Code (item 9)**

An issue has been identified when applying R13 of the Inner North Precinct Code to blocks that front both a street and open space and/or a pedestrian path. Due to the location of the front boundaries and primary building zones, the resulting rear zone does not align with the rear zones of other blocks in the section.

After analysis it was determined that this is an issue that particularly relates to Blocks 1 and 2 Section 46 Lyneham. Therefore these blocks will be exempted from complying with this rule. All the blocks covered by the Inner North Precinct Code were considered as part of this analysis however it was determined that the constraints on the rear zone created by having non-street frontages, or its impact on the rest of the section were not as significant as they are on the aforementioned blocks.

**F. Update WaterWays: Water Sensitive Urban Design General Code (items 10-12)**

The proposed changes update current quantitative measures that are applicable to the water sensitive urban design general code.

### 3. TECHNICAL AMENDMENT

#### Variation to the Single Dwelling Housing Development Code

##### 1 Part C(3), Element 2.3 – Front Setback, R62

*Substitute R62 with the following:*

Front setbacks are a minimum of:

- a) 3m to lower floor level and upper floor level of the dwelling;
- b) 5.5m to the garage or carport.

Except

- c) for a rear loading block, minimum front setback to the rear lane:
  - (i) 0m to lower floor level and upper floor level of the dwelling;
  - (ii) 0m to the garage or carport.

Or

- d) Where adjoining pedestrian paths with a width of 6 metres or less, minimum front setback to the pedestrian path:
  - (i) 0m to lower floor level and upper floor level of the dwelling;
  - (ii) 0m to the garage or carport.

##### 2 Part C(3), Element 2.4 – Rear Setback, R63

*Substitute R63 with the following:*

Rear setbacks are a minimum of:

- a) for single storey dwelling – 3m;
- b) for two storey dwelling – 4m to lower floor level and upper floor level.

##### 3 Part C(3), Element 2.6 – Side Setback – Corner Block, R65

*Substitute R65 with the following:*

Side setbacks for a corner block are a minimum of:

- a) for *lower floor level*:
  - (i) 3m to the shorter side boundary and 0m to the longer side boundary; or
  - (ii) 3m to the shorter side boundary and 900mm to blank walls and 1.5m to windows and doors facing the longer side boundary.

Except for a rear loading block:

- (iii) 0m to both side boundaries; or

- (iv) 0m to the shorter side boundary and 900mm to blank walls and 1.5m to windows or doors facing the longer side boundary.
- b) for upper floor level:
- (i) 3m to the shorter boundary and 0m to the longer boundary; or
  - (ii) 3m to the north facing boundary and 0m where the lower floor level is built to the side boundary, otherwise 900mm to blank walls and 1.5m to windows facing the side boundary with a sill height  $\geq 1.7$ m above the upper floor level finished floor level or to windows with permanent fixed panes of obscure glass
- except for a rear loading block;
- (iii) 0m where the lower floor level is built to the side boundary, otherwise 900mm to blank walls and 1.5m to windows facing the side boundary with a sill height  $\geq 1.7$ m above the upper floor level finished floor level or to windows with permanent fixed panes of obscure glass.

#### **4 Part C(3), Element 3.2 – Interface, R68**

*Substitute R68 with the following:*

Where a fence or courtyard wall is forward of the building line and is required to screen private open space on a corner block, the wall or fence is:

- a) minimum front setback: 2m;
- b) maximum height: 1.8m

except where permitted by the *Residential Boundary Fences General Code*.

#### **5 Part C(3), Element 4.2 – Parking, R70**

*Substitute R70 with the following:*

Notwithstanding the provisions of R62 & R63, car parking is provided and located on the block as follows:

- a) for a 1 bedroom dwelling - 1 space setback 0m from the front street boundary where not provided as a garage or carport;

except for a rear loading block – 1 space setback 0m from the rear lane.

- b) for a dwelling containing 2 or more bedrooms - 2 spaces accommodated in tandem setback 0m from the front street boundary, where not provided as a garage or carport;

except for a rear loading block – 2 spaces setback 0m from the rear lane;

## Variation to the Multi Unit Housing Development Code

### 6 Part A(2), Element 1.2 – Site Area Requirements for Dual Occupancy Housing, R11

*Insert as a note under 'housing is 800m<sup>2</sup>':*

Note: This rule does not prevent the variation of a lease to expressly provide for two dwellings on a block with a site area less than 800m<sup>2</sup> where both dwellings are existing and have been lawfully approved and constructed.

### 7 Part C, Element 4.2 - Parking, R81

*Substitute R81 c) with the following:*

One space per dwelling is roofed and is behind the Front Zone.

### 8 Part C, Element 5.3 – Private Open Space, R89

*Substitute R89 a) with the following:*

10% of the average block area per dwelling

## Variation to the Inner North Precinct Code

### 9 Part A, Element 2.6 – Site Coverage, R13

*Insert after 'O'Connor Section 40 is exempt from this rule':*

Lyneham Section 46 Block 1 and 2 are exempt from this rule.



## Variation to the WaterWays: Water Sensitive Urban Design General Code

### 10 Part 2, Section 2.4, Option 2 –Greywater system

*Omit the second paragraph under Greywater system starting with “The above requirements also apply to----- is to be retained”.*

### 11 Appendix B2, MUSIC Parameters, Stormwater Quality Parameters

*Omit Stormwater Quality Parameters table and replace with:*

Baseflow TSS Mean (log mg/L)	1.400	1.100
Baseflow TSS Standard Deviation (log mg/L)	0	0
Baseflow TSS Estimated Method	Mean	Mean
Stormflow TSS Mean (log mg/L)	2.041	2.19
Stormflow TSS Standard Deviation (log mg/L)	0	0
Stormflow TSS Estimation Method	Mean	Mean
Baseflow TP Mean (log mg/L)	-0.880	-0.820
Baseflow TP Standard Deviation (log mg/L)	0	0
Baseflow TP Estimation Method	Mean	Mean
Stormflow TP Mean (log mg/L)	-0.6615	-0.6497
Stormflow TP Standard Deviation (log mg/L)	0	0
Stormflow TP Estimation Method	Mean	Mean
Baseflow TN Mean (log mg/L)	0.074	0.320
Baseflow TN Standard Deviation (log mg/L)	0	0
Baseflow TN Estimation Method	Mean	Mean
Stormflow TN Mean (log mg/L)	0.3138	0.4265
Stormflow TN Standard Deviation (log mg/L)	0	0
Stormflow TN Estimation Method	Mean	Mean

## 12 Appendix B2, XP- AQUALM

*Omit pollutant coefficients recommended for XP- AQUALM table and the following 3 paragraphs and replace with:*

Pollutant	Pasture		Pollutant	Urban	
	<i>Coefficient</i>	<i>(c)</i>		<i>(d)</i>	<i>Coefficient</i>
SS	1.41	0.25	SS	1.55	0.13
TN	0.0246	0.01186	TN	0.0267	0.02089
TP	0.00257	0.00132	TP	0.00224	0.00151

The average annual unit pollutant exports calculated using the recommended MUSIC and XP-AQUALM parameters were compared. The pollutant exports for SS, TN and TP for Urban land use (with imperviousness varying from 40% to 80%) were in agreement with a maximum difference between estimates of up to 1.5%.

These recommended coefficients for XP-AQUALM supersede the guidance given in Table 16.1 of the Design Standards for Urban Infrastructure, Part 16 Urban Wetlands, Lakes and Ponds issued by the Territory and Municipal Services.

## 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 τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
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SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
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### TRANSLATING AND INTERPRETING SERVICE

**131 450**

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