

Australian Capital Territory

Planning and Development (Technical Amendment — Code changes to Coombs and Wright concept plan and changes to town centres development code) Plan Variation 2010

**Notifiable instrument NI2010 — 412
Technical Amendment No 2010-16**

made under the

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

This technical amendment commences on 30 July 2010.

Technical amendment number 2010-16 to the Territory Plan has been approved by the Planning and Land Authority

Kelvin Walsh
Delegate of Planning and Land Authority

20 July 2010



Planning & Development Act 2007

Technical Amendment to the Territory Plan

Variation 2010-16

Code changes to Coombs and Wright concept plan (solar access provisions) and changes to town centres development code

July 2010



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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 Development Act 2007* (the Act) 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 Act.

A code variation (section 87(b) of the Act) is a technical amendment 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.

2. EXPLANATORY STATEMENT

Changes and Reasons

A Changes to town centres development code – removal of criteria C42 and C48 and amendment to rule 41 – items 1, 2 and 3

Criteria C42 and C48 were transferred from a previous provision requiring the preparation of a section master plan for the area defined in Figure A10 (Phillip residential and mixed service area). These criteria are considered to be superfluous as issues such as traffic generation, parking provision and amenity impacts for residential use require justification and comprehensive evaluation to meet existing provisions, as part of the development assessment process. Therefore the current territory plan requirement to prepare a planning report for residential development and/or consolidation is no longer necessary.

Rule R41 has been changed to reference Figure A10 as this rule was only intended to apply to the Phillip residential and mixed service area.

B Inclusion of new solar access provisions and associated definitions into the Coombs and Wright concept plan – items 4 and 5

This technical amendment introduces new solar access provisions that require dwellings to limit overshadowing of neighbouring residential properties. This corresponds with desired planning outcome (g) of the concept plan that aims to incorporate principles of contemporary best practice for energy efficiency, water conservation, solar access and ecological sustainability.

The controls introduced limit the shadow cast on an adjoining residential property to the equivalent of a 1.8m fence on the boundary. This is achieved by describing a building envelope on the northern boundary of an adjoining residential block consisting of a plane drawn from a line 1.8m above the boundary at the apparent sun angle at noon on the winter solstice (21 June). This angle varies according to the orientation of the boundary, as shown in Table 1 introduced by this technical amendment.

On other side and rear boundaries the building envelope is defined by planes at 45° from a line 3.5m above the boundary. Compared with current building envelope provisions, this allows for additional building bulk adjacent to boundaries other than the northern boundary of an adjoining residential block, subject to boundary setback and building height controls.

3. TECHNICAL AMENDMENT

3.1 Code Amendment

Variation to town centres development code

1. Part A(3) – CZ3 Services Zone, Element 1: Restrictions on Use, Item 1.2 Residential Use – Woden, R41
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Substitute R41 for the following:

Residential use is prohibited at ground floor level within the Phillip Residential and Mixed Service Area (Figure A10).

2. Part A(3) – CZ3 Services Zone, Element 1: Restrictions on Use, Item 1.2 Residential Use – Woden, C42
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Omit criterion.

3. Part A(3) – CZ3 Services Zone, Element 2: Building and Site Controls, Item 2.4 Woden, C48

Omit criterion.

Variation to Coombs and Wright concept plan

4. Introduction – Definition of terms
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Insert:

Block means a parcel of land, whether or not the subject of a *lease*.

Desired character means the form of development in terms of siting, building bulk and scale, and the nature of the resulting *streetscape* that is consistent with the relevant zone objectives.

Dwelling means a building or part of a building used as a self contained residence which must include:

- food preparation facilities;
- a bath or shower; and
- a closet pan and wash basin.

It includes *outbuildings* and works normal to a dwelling.

Northern boundary means a boundary of a *block* where a line drawn perpendicular to the boundary is oriented between 45° west of north and 45° east of north.

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Private open space means an outdoor area within a *block* useable for outdoor living activities, and may include balconies, terraces or decks but does not include any area required to be provided for the parking of motor vehicles and any common driveways and common vehicle manoeuvring areas.

Single dwelling housing means the use of land for residential purposes for a single *dwelling* only.

Single dwelling block means a *block* with one of the following characteristics

- a) originally leased or used for the purpose of *single dwelling housing*
- b) created by a consolidation of *blocks*, at least one of which was originally leased or used for the purpose of *single dwelling housing*

5. Part C – Buildings and structures

Insert:

Element 16: Building envelopes – all zones	
Note: Desired planning outcomes relevant to this element are: (a) and (g).	
Rules	Criteria
16.1 Building envelope – Residential buildings with three storeys or fewer	
R62 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 A1.	C62 Buildings achieve all of the following: a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwelling</i> s on adjoining <i>residential blocks</i> and their associated <i>private open space</i> .
R63 Buildings are sited wholly within the building envelope formed by projecting planes over the subject <i>block</i> comprising lines projected at X° to the horizontal from an infinite number of points on a line of infinite length 1.8m above the <i>northern boundary</i> or boundaries of an adjoining <i>residential block</i> . X° is the apparent sun angle at noon on the winter solstice. For the purposes of this rule	This is a mandatory requirement. There is no applicable criterion

values for X are given in Table 1.
Refer Figure A1.

Table 1 – Apparent sun angle (X) at noon on the winter solstice (21 June)

Aspect of <i>northern boundary</i> or <i>north facing window</i> (bearing of line drawn perpendicular to the boundary or window)	Angle (X)
North 0-9° East North 0-9° West	32°
North 10-19° East North 10-19° West	35°
North 20-29° East North 20-29° West	37°
North 30-39° East North 30-39° West	39°
North 40-50° East North 40-50° West	41°

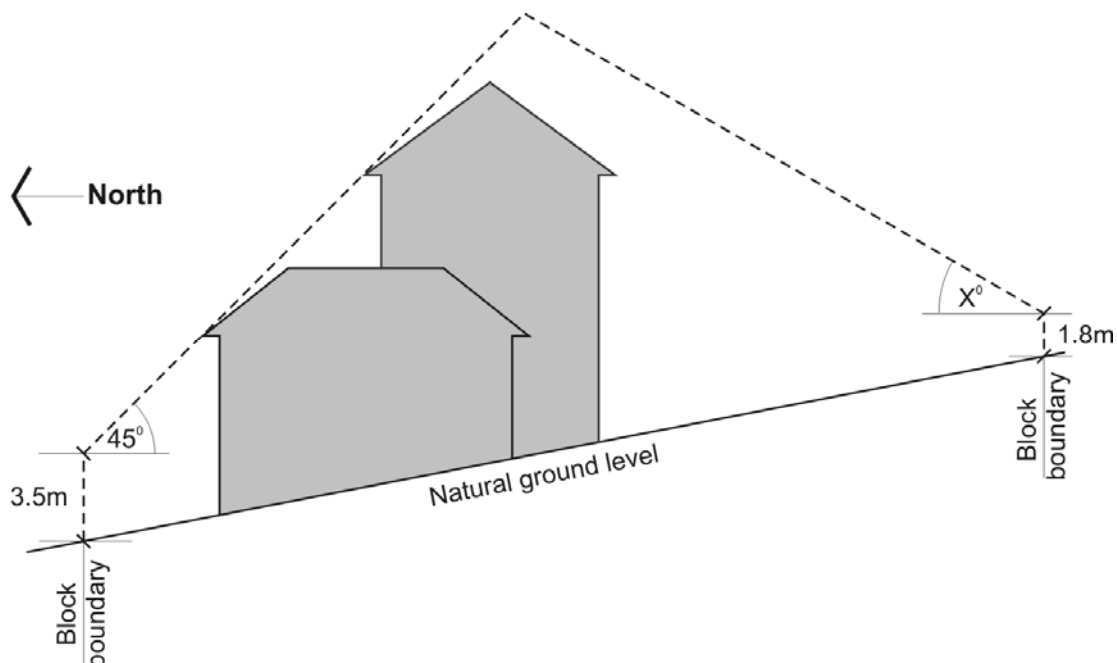


Figure A1 - Typical Building Envelope

Note: height of building and boundary setback provisions also apply

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