

Australian Capital Territory

Planning and Development (Technical Amendment—Miscellaneous Amendment) Plan Variation 2014 (No 1)

Notifiable Instrument NI2014—90

Technical Amendment No 2014—01

made under the

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

This technical amendment commences on 21 March 2014.

Variation No 2014—01 to the Territory Plan has been approved by the planning and land authority.

Jim Corrigan
Delegate of the Planning and Land Authority
18 March 2014

Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2014-01

Miscellaneous general technical amendment

March 2014

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1. INTRODUCTION

Purpose

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

Residential zones development tables

- Re-insert 'minor road' into all residential zones development tables as merit track assessable development

Residential zones development code

- Rectify omissions and incorrect references in text in Introduction

Multi unit housing development code

- Remove item 3.26, rule R35 and criterion C35— duplication of rule R32 and C32
- Rectify omission in text of rule R41
- Rectify incorrect reference for a general code in criterion C41
- Rectify minor omission in text of rule R42 e)
- Reword to use correct terminology in item 5.6
- Correct typographical error in Rule R54
- Rectify omission in text of rule R58
- Rectify typographical error in rule R63
- Rectify typographical error in R64 b)
- Rectify typographical error in C69 b) iii)
- Rectify incorrect reference in criterion C72
- Rectify omission in text of rule R78

Various zones development tables

- Remove redundant terms 'relocatable unit' and 'habitable suite' and add 'secondary residence' in zones development tables where rectification required.

Coombs precinct map and code

- Rectify omissions in Coombs precinct map

Griffith precinct map and code

- Clarification of wording in criteria C14 to apply to area b in Figure 3

Gungahlin precinct map and code

- Correction of error in Gungahlin town centre – Rule R66

Macgregor precinct map and code

- Correction to Figure 4 Macgregor West residential area 4

Molonglo Valley district precinct map

- Remove inadvertent inclusions on Molonglo Valley precinct map

Coombs and Wright concept plan

- Rectify inadvertent omissions in technical amendment TA2013-16

Public consultation

Under section 88 of the *Planning and Development Act 2007* (the Act) this type of technical amendment is not subject to public consultation.

Process

This technical amendment has been prepared in accordance with section 87 of the *Planning and Development Act 2007* (the Act). The planning and land authority must notify the public of the commencement of this technical amendment.

ACT Planning Strategy

This technical amendment is not inconsistent with the ACT Planning Strategy.

Compliance with the Act

This technical amendment is compliant with:

Section 87(a) of the *Planning and Development Act 2007* in 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.

2. EXPLANATION

2.1 Residential zones development tables

Variation 306 modified and replaced the residential zones development codes and tables as part of the overhaul of the residential zones development policies. However, the amendments to incorporate 'minor road' into the residential zones development tables as part of TA2012-30 in December 2012 were inadvertently removed when the tables were replaced in the Territory Plan with the commencement of V306. These uses are re-inserted into the residential zones development tables in the merit track to rectify the omission in this TA.

Section	Statement
s87(a). 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	Compliant. Correction of a formal error in the residential zones development tables

2.2 Residential zones development code

The wording for Part D and Part E in the Introduction of the Residential zones development code has been amended to be consistent with the headings relating to these specific parts in the table of contents and code. The amended wording (underlined) is as follows: "Part D Subdivision and Consolidation" and "Part E Non-residential uses".

Section	Statement
s87(a). 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	Compliant. Correction of a formal error in the residential zones development code

2.3 Multi unit housing development code

- Item 3.26, Rule R35 and criterion C35 have been removed as they are a duplication of rule R32 and criterion C32.
- The underlined words have been inserted into rule R41 to rectify an inadvertent omission: "Fences are permitted forward of the building line in the *front zone* or on the *front boundary* only where they comply with any of the following..."
- Criterion C41 has been amended to correctly refer to the Residential Boundary Fences General Code.
- Rule R42 e) has been amended to add the word "of" after 25%. so that the rule reads as follows: "e) constructed of brick, block or stonework, any of which may

be combined with timber or metal panels that include openings not less than 25% of the surface area of the panel”

- Item 5.6 has been corrected to refer to: “...use by people with a disability”.
- The duplication of the words “to meet” has been rectified in Rule R54.
- Rule R58 has been amended to add the word “to” before *apartments*, so that the first sentence of the rule reads as follows: “This rule applies to *apartments*.”
- The typographical error in rule R63 has been corrected. “*blocknot*” has been changed to “*block not*”.
- The typographical error in rule R64 has been corrected. The word “position” has been changed to “positioned” so that the last sentence of the rule reads as follows: “For this rule *obscure glass* prevents printed text of 10mm high characters from being read through the glass when positioned 1m from the glass.”
- The typographical error criterion C69 b) iii) has been corrected. The word “tress” has been replaced with “trees”.
- Criterion C72 refers to “Department of Territory and Municipal Services”. This has been corrected to refer to “Territory and Municipal Services Directorate”.
- The omission of the word “of” after “distance” in the last sentence has been added to rule R78. The last sentence of the amended rule reads as follows: “Parking spaces are located within 50m walking distance of any dwelling that is sharing the space.”

Section	Statement
s87(a). 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	Compliant. Correction of formal errors in the multi unit housing development code

2.4 Various zone development tables

Variation 306 introduced the use of ‘secondary residence’ into the Territory Plan which in part replaced the uses of ‘habitable suite’ and ‘relocatable unit’. These uses were listed as merit track assessable in the residential zones but were prohibited in other zones. V306 removed ‘habitable suite’ and ‘relocatable unit’ from the definitions and residential zones development tables and added ‘secondary residence’. However these uses were inadvertently left in some of the zones development tables as part of V306, and not replaced with secondary residence. This TA rectifies this issue.

Section	Statement
s87(a). 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	Compliant. Correction of formal errors in various zone development tables

2.5 Coombs precinct map and code

The Coombs precinct map within the Coombs precinct map and code has been adjusted to include the MT1 area showing 'Additional merit track development' for a '*municipal depot*'. This was inadvertently included in the Molonglo Valley district precinct map. However the correct location for this information is in the specific division precinct map and code, in this case the precinct map for Coombs.

Section	Statement
s87(a). 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	Compliant. Correction of a formal error in the Coombs precinct map

2.6 Griffith precinct map and code

Criterion C14 in the Griffith precinct map and code refers to requirements for plot ratios, however it does not refer to which parts of the precinct these provisions apply. This omission has been corrected and the criterion now clarifies that these requirements apply to area b shown in Figure 3 of the code.

Section	Statement
s87(a). 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	Compliant. C14 is amended to ensure the correct reference to area b in Figure 3 is applied to the provision.

2.7 Gungahlin precinct map and code

Rule R66 has been amended to rectify an inadvertent error in the wording of the rule. In the first sentence, "on" is replaced with "above" to provide the correct context for the requirements of the rule. The amended wording (underlined) of the rule reads as follows: "One or more of the following uses are not permitted above the ground floor:"

Section	Statement
s87(a). 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	Compliant. Correction of a formal typographical error in the Gungahlin precinct map and code

2.8 Macgregor precinct map and code

Section 169 in Figure 4 (Macgregor West residential area 4) has been incorrectly identified as section 189. This has been corrected in this TA.

Section	Statement
s87(a). 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	Compliant. Correction of a formal typographical error in the Macgregor precinct map and code

2.9 Molonglo Valley district precinct map

The Molonglo Valley district precinct map has been adjusted to remove the legend and hatching/shading referring to additional merit track development and the area subject to the Concept Plan as this information has been relocated to the Coombs precinct map diagram, which is the appropriate location for this to be shown.

Section	Statement
s87(a). 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	Compliant.

2.10 Coombs and Wright Concept Plan

The description and reasons for changes to Criterion C4 a) and Rule R56 were provided in part 2 'Explanation' of technical amendment TA2013-16 which commenced on 17 January 2014. However these changes were inadvertently omitted from part 3 'Technical Amendment' which makes the actual changes to the concept plan. This has been rectified in this technical amendment.

Section	Statement
s87(a). 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	Compliant.

3. TECHNICAL AMENDMENT

3.1 Residential zones development tables

1. RZ1 – Suburban zone development table; MINIMUM ASSESSMENT TRACK MERIT

Insert

minor road

2. RZ2 – Suburban core zone development table; MINIMUM ASSESSMENT TRACK MERIT

Insert

minor road

3. RZ3 – Urban residential zone development table; MINIMUM ASSESSMENT TRACK MERIT

Insert

minor road

4. RZ4 – Medium density residential zone development table; MINIMUM ASSESSMENT TRACK MERIT

Insert

minor road

5. RZ5 – High density residential zone development table; MINIMUM ASSESSMENT TRACK MERIT

Insert

minor road

3.2 Residential zones development code

6. Introduction – Structure – Part D and Part E

Substitute

Part D – Subdivision and Consolidation contains provisions relating to residential subdivision and consolidation that are not covered by the Estate Development Code.

Part E – Non-residential uses provides controls that are applicable to forms of non-residential development located in a residential zone, but only where such uses are authorised by the P&D Act or a *lease*.

3.3 Multi unit housing development code

7. Part A – General controls; Element 3: Building and site controls

Remove

Item **3.26 Allowable setback encroachments**

Rule R35

Criterion C35

8. Part A – General controls; Element 4: Site design, item 4.5 Fences; rule R41

Replace the first sentence with:

Fences are permitted forward of the *building line* in the *front zone* or on the *front boundary* only where they comply with any of the following:

9. Part A – General controls; Element 4: Site design, item 4.5 Fences; criterion C41

Substitute

Fences may be permitted where the proposal meets the requirements contained in the Residential Boundary Fences General Code.

10. Part A – General controls; Element 4: Site design, item 4.6 Courtyard walls ; rule R42 e)

Insert the word “of” after “...not less than 25%”

11. Part A – General controls; Element 5: Building design, item 5.6

Substitute

5.6 Adaptability of dwelling for use by people with a disability

12. Part A – General controls; Element 5: Building design, item 5.6, rule R54

Remove

Duplicate wording “to meet” in second sentence.

13. Part A – General controls; Element 6: Amenity, item 6.2 Solar access – apartments, rule R58

Replace the first sentence with:

This rule applies to *apartments*.

14. Part A – General controls; Element 6: Amenity, item 6.5 Separation between external walls, rule R63

Substitute

The separation between *external walls* at the *lower floor level* on the same *block* or an adjoining *block* is not less than 1m.

15. Part A – General controls; Element 6: Amenity, item 6.6 Balustrades, rule R64

Replace the word “position” with “positioned” in the last sentence of the rule.

16. Part A – General controls; Element 7: Parking and vehicular access, item 7.2 Driveway verge crossings, criterion C69 b) iii)

Replace the word “tress” with “trees”.

17. Part A – General controls; Element 7: Parking and vehicular access, item 7.2 Driveway verge crossings, criterion C72

Substitute

Driveway verge crossings are endorsed by the Territory and Municipal Services Directorate.

18. Part A – General controls; Element 7: Parking and vehicular access, item 7.4 Residents' car parking, rule R78

Insert the word “of” after the word “distance” in the last sentence of the rule.

3.4 Various zone development tables

19. CZ5 – Mixed Use Zone Development Table; MINIMUM ASSESSMENT TRACK MERIT

Delete

relocatable unit

20. IZ1 – General Industrial Zone Development Table; PROHIBITED DEVELOPMENT

Delete

habitable suite

relocatable unit

Insert

secondary residence

21. IZ2 – Industrial Mixed Use Zone Development Table; PROHIBITED DEVELOPMENT

Delete

habitable suite

relocatable unit

Insert

secondary residence

22. CFZ – Community Facility Zone Development Table; PROHIBITED DEVELOPMENT

Delete

habitable suite

relocatable unit

Insert

secondary residence

23. PRZ1 – Urban Open Space Zone Development Table; PROHIBITED DEVELOPMENT

Delete

relocatable unit

24. PRZ2 – Restricted Access Recreation Zone; PROHIBITED DEVELOPMENT

Delete

relocatable unit

25. TSZ1 – Transport Zone Development Table; PROHIBITED DEVELOPMENT

Delete

relocatable unit

26. TSZ2 – Services Zone Development Table; PROHIBITED DEVELOPMENT

Delete

relocatable unit

27. NUZ1 – Broadacre Zone Development Table; PROHIBITED DEVELOPMENT

Delete

habitable suite

relocatable unit

Insert

secondary residence

28. NUZ2 – Rural Zone Development Table; PROHIBITED DEVELOPMENT

Delete

relocatable unit

29. NUZ3 – Hills, Ridges and Buffer Zone Development Table; PROHIBITED DEVELOPMENT

Delete

relocatable unit

30. NUZ4 – River Corridor Zone Development Table; PROHIBITED DEVELOPMENT

Delete

relocatable unit

31. NUZ5 – Mountains and Bushland Zone Development Table; PROHIBITED DEVELOPMENT

Delete

relocatable unit

3.5 Coombs precinct map and code

Substitute Coombs precinct map and code for Coombs precinct map and code at Annexure A.

3.6 Griffith precinct map and code

32.RC3 – Manuka Group Centre – Part (Griffith); Element 5: Buildings; 5.1 Plot ratio; C14

Insert directly above the first sentence:

This applies to area **b** shown in Figure 3.

3.7 Gungahlin precinct map and code

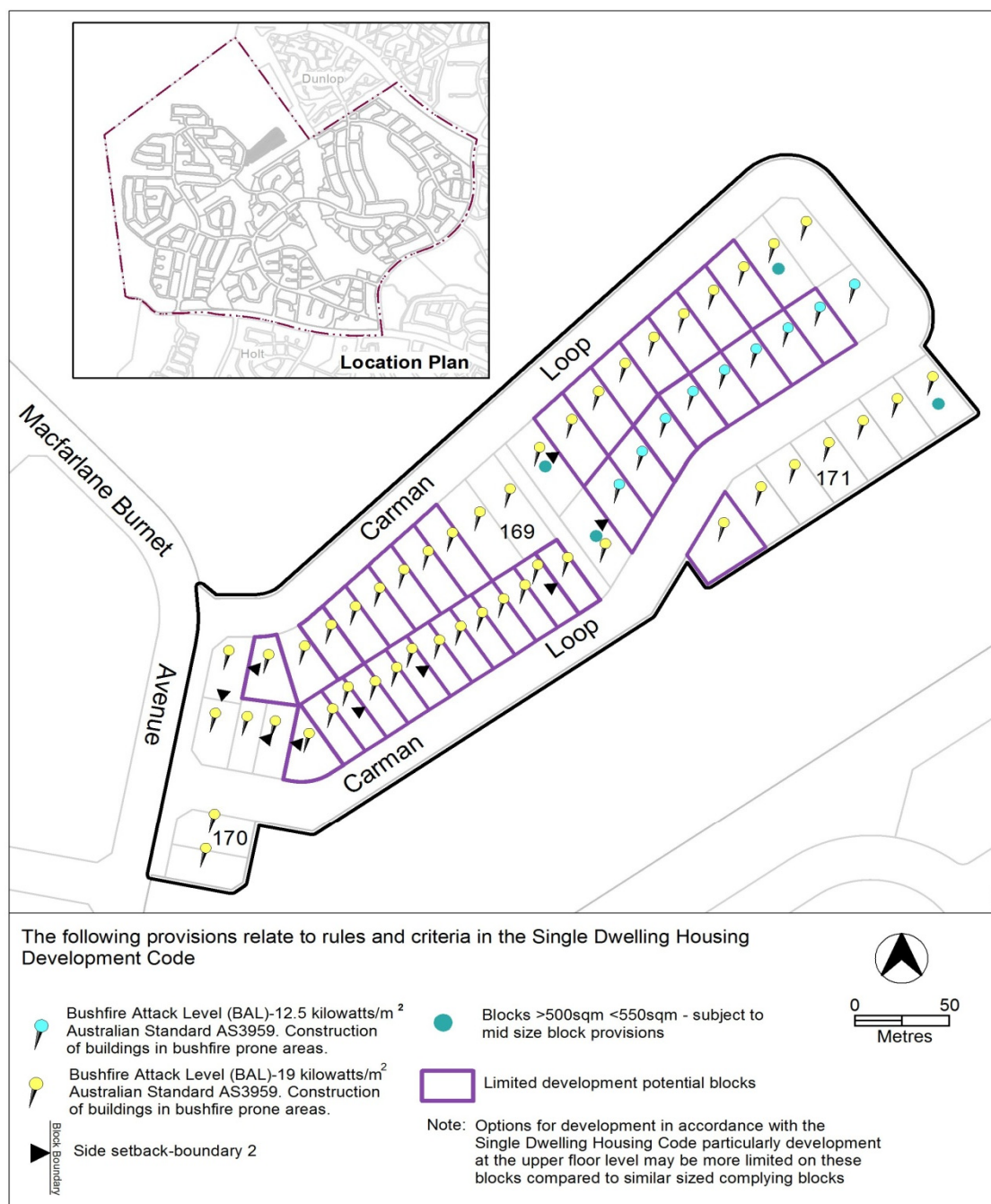
33.RC2 – Mixed use commercial development area; Element 2: Use; item 2.1 Ground floor use; Rule R66

Replace the word “on” with the word “above” in the first sentence of the rule.

3.8 Macgregor precinct map and code

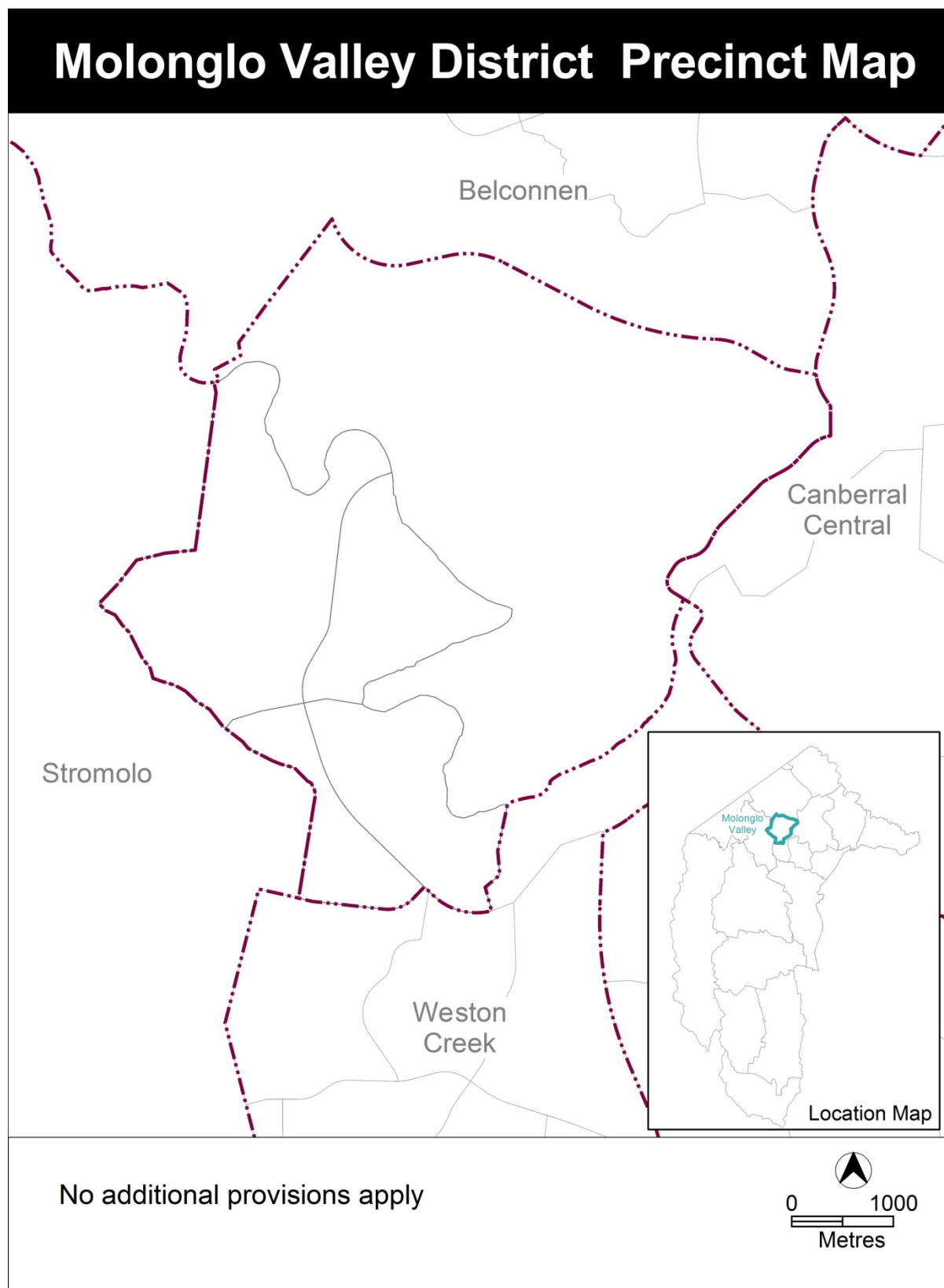
34.OP4 – Macgregor West residential area 4 – Figure 4 Macgregor West residential area 4

Substitute



3.9 Molonglo Valley district precinct map

Substitute



Assessment Tracks

No additional provisions apply.

3.10 Coombs and Wright concept plan

35. Part A – Land use; Element 1: Land use plan; Criterion C4 a)

Replace '1.4ha' with '1.0ha'

36. Part C – Buildings and structures; Element 12: Local centre/mixed use node – CZ5/CZ4; Rule R56

Substitute

Buildings in CZ4 facing John Gorton Drive have a minimum building height of 3 storeys.

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:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefonirajte:
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TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week

**THIS IS ANNEXURE A
TO NOTIFIABLE INSTRUMENT NI2014 – 90**

Jim Corrigan
Delegate of the Planning and Land Authority
18 March 2014



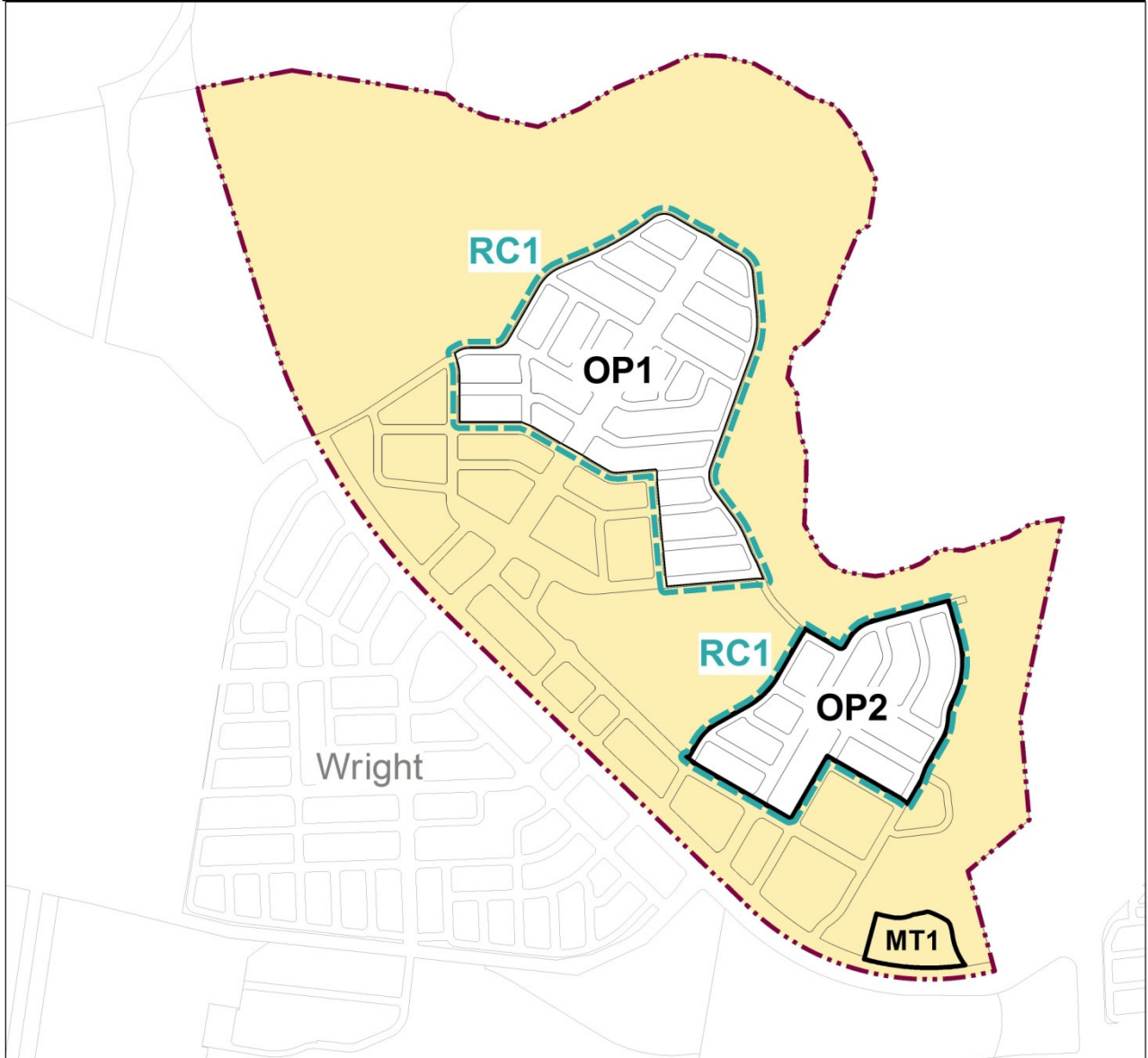
ACT
Government

Environment and
Sustainable Development

Coombs Precinct Map and Code

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Coombs Precinct Map



Ongoing provisions apply see Coombs Precinct Code



Additional merit track development applies see Table 2



Additional rules and criteria apply see Coombs Precinct Code



Concept Plan applies to the Future Urban Area at Coombs



0 200
Metres

Assessment Tracks

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Coombs Precinct Map (identified as PDn or MTn). Development that is exempt from requiring development approval, other prohibited development and the minimum assessment track applicable to each development proposal is set out in the relevant zone development table.

The following table constitutes part of the relevant zone development table.

Table 2 – Additional merit track development

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	CZ5	<i>municipal depot</i>

Coombs Precinct Code

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Introduction

Name

The name of this code is the **Coombs Precinct Code**.

Application

The code applies to the Division of Coombs.

Purpose

This code provides additional planning, design and environmental controls for specific areas or blocks and may also contain references to provisions in other codes.

In conjunction with other relevant codes it will be used by the *Authority* to assess development applications and offer guidance to intending applicants in designing development proposals and preparing development applications.

Structure

This code contains additional rules and/or criteria for particular blocks or parcels identified as areas RCn on the precinct map, to be read in conjunction with the relevant development code. It may also contain sub-parts.

Each element has one or more rules and, unless the respective rule is mandatory, each rule has an associated criterion. Rules provide quantitative, or definitive, controls. By contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules are accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” is found where a criterion only is applicable.

Code hierarchy

Under the *Planning and Development Act 2007*, where more than one type of code applies to a development, the order of precedence if there is inconsistency of provisions between codes is: precinct code, development code and general code.

If more than one precinct code applies to the site, the most recent precinct code takes precedence to the extent of any inconsistency.

Definitions

Defined terms, references to legislation and other documents are italicised.

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

Acronyms

ACTPLA	Planning and Land Authority within the ACT Environment and Sustainable Development Directorate
EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
ESDD	ACT Environment and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TAMS	ACT Territory and Municipal Services Directorate

Additional rules and criteria

This part applies to blocks and parcels identified in the Coombs Precinct Map (RCn). It should be read in conjunction with the relevant zone development code and related codes.

RC1 – Residential use area

This part applies to blocks and parcels identified in area RC1 shown on the Coombs Precinct Map.

Element 1: Building envelope

Rules	Criteria
1.1 Building envelope – residential buildings with three storeys or fewer	
<p>R1</p> <p>This rule applies to single dwelling housing or multi unit housing with three storeys or fewer.</p> <p>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.</p> <p>Refer Figure 1.</p>	<p>C1</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> 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>..
<p>R2</p> <p>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 values for X are given in Table 1.</p> <p>Refer Figure 1.</p> <p>Note: For the purposes of R1, R2, Table 1 and Figure 1, <i>northern boundary</i> means a boundary of a <i>block</i> where a line drawn perpendicular to the boundary outwards is orientated between 45° west of north and 45° east of north</p>	<p>This is a mandatory requirement. There is no applicable criterion</p>

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

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

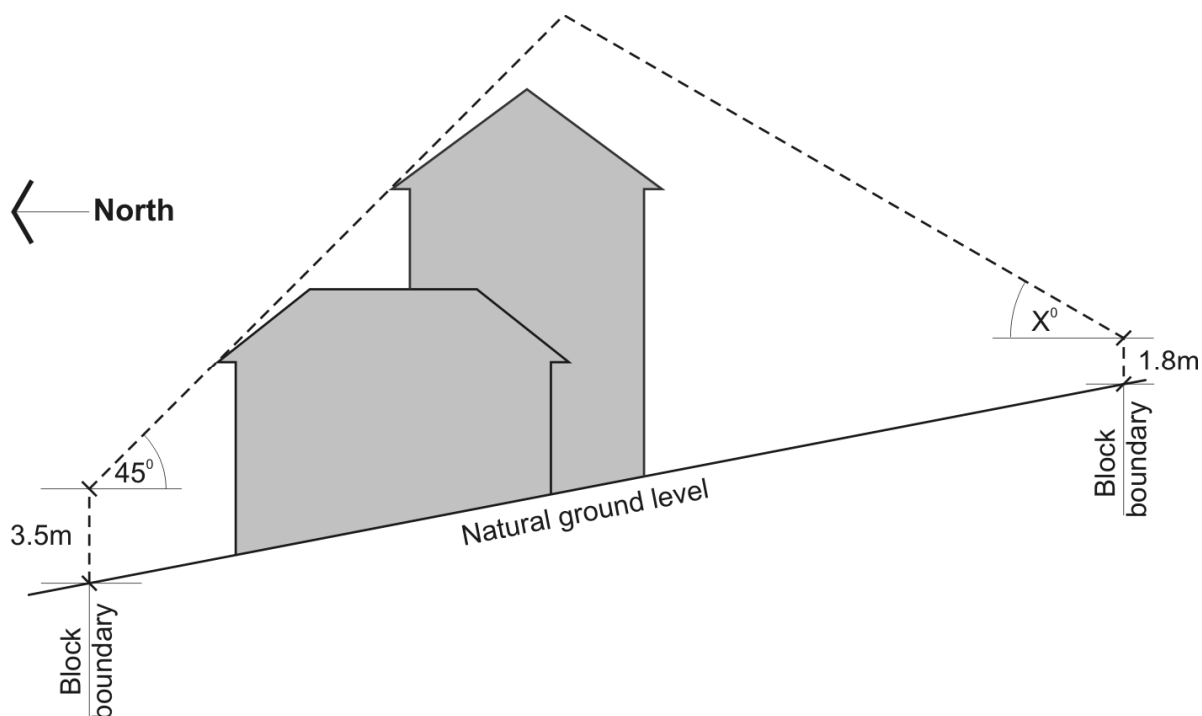


Figure 1 Typical Building Envelope

Note: height of building and boundary setback provisions also apply

Element 2: Amenity

Rules	Criteria
2.1 Boundaries between multi-unit residential and open space	
There is no applicable rule.	<p>C3</p> <p>This criterion applies to urban blocks (other than single residential blocks) which have a common boundary with a block(s) within the PRZ1 Urban Open Space Zone and/or NUZ4 River Corridor Zone</p> <p>The common boundary between urban blocks (other than single residential block) and urban open space and/or a river corridor achieves all of the following:</p> <ul style="list-style-type: none">a) ease of access to urban open space corridorsb) surveillance of urban open space corridorsc) avoidance of rear boundary fencingd) ground floor dwellings address to urban open space where there is no edge street.

Other ongoing provisions

This part applies to blocks and parcels identified as ongoing provisions (OPn) in the Coombs Precinct Map. It should be read in conjunction with the relevant zone development code and related codes.

OP1 – Coombs residential area 1

This part applies to blocks and parcels identified in area OP1 shown on the Coombs Precinct Map.

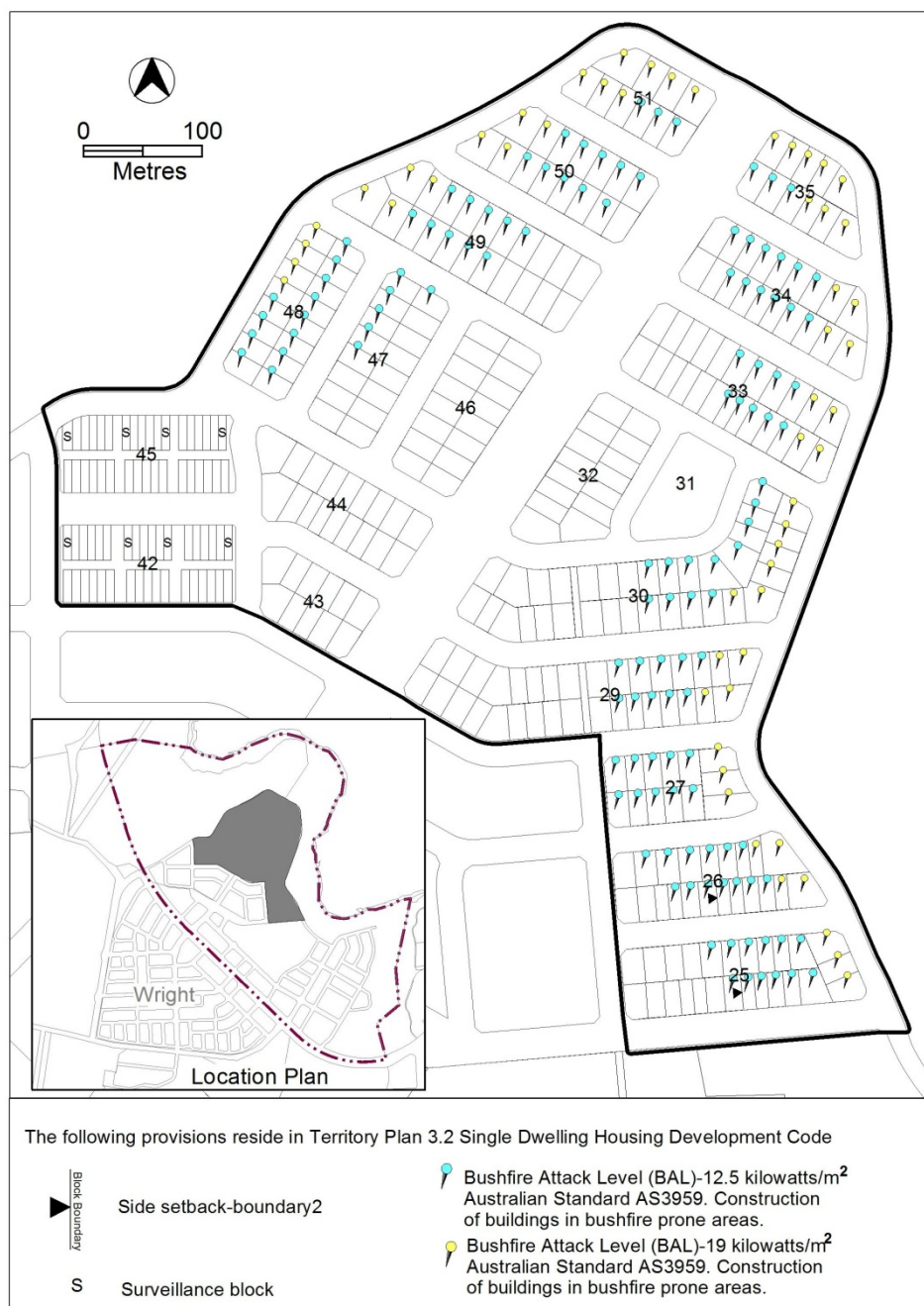


Figure 2 Coombs residential area 1

OP2 – Coombs residential area 2

This part applies to blocks and parcels identified in area OP2 shown on the Coombs Precinct Map.

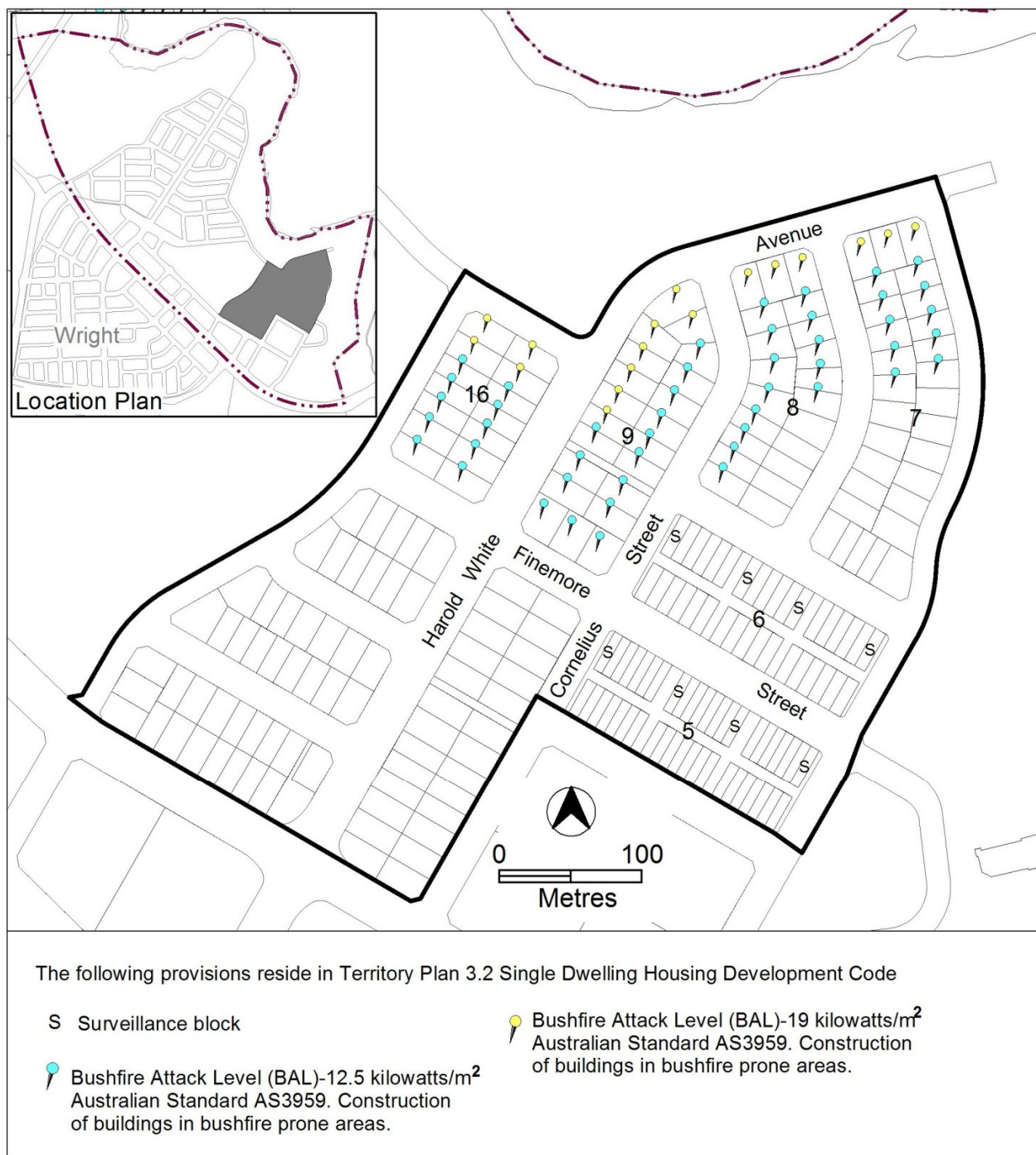


Figure 3 Coombs residential area 2