

Planning and Development (Technical Amendment—Various) Plan Variation 2018 (No 2)

Notifiable Instrument NI2018—684

Technical Amendment No 2018-15

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Various) Plan Variation 2018 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Technical amendment

I am satisfied under section 89 (1) (a) of the *Planning and Development Act 2007* (the *Act*) that the Various plan variation is a technical amendment to the Territory Plan.

4 Meaning of *Various plan variation*

For this instrument:

Various plan variation means the technical amendment to the Territory Plan, variation 2018-15, in the schedule.

Note Consultation was undertaken in relation to the Various plan variation in accordance with section 90 of the Act.

Kathy Cusack
Delegate of the planning and land authority
30 November 2018



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

Technical Amendment to the Territory Plan

2018-15

Various minor amendments #2 2018

December 2018

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1. INTRODUCTION

1.1 Purpose

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

Territory Plan Map

- Remove Public Land 'Pd – special purpose reserve' overlay from part of Block 12 Section 3 Tharwa.

Multi-Unit Housing Development Code

- Adjust Rule R5 to clarify that when replacement dwellings are proposed, where the original dwelling has one or two bedrooms, the replacement dwelling will have 2 or more bedrooms.
- Adjust Rule R17 to clarify that the intent of the rule is not specific to a detached dwelling but applies to any dwelling that is subject to the controls in the rule.

Bruce Precinct Map and Code

- Adjust Rule R31 to clarify that *retirement village* and *supportive housing* are excluded from the 3300 dwelling limit.

Coombs Precinct Map and Code

- Correction to title for provision regarding minimum building heights for the RZ5 residential area.

Deakin Precinct Map and Code

- Clarify wording of item 1.4 to refer to 'single dwelling block'.

Forrest Precinct Map and Code

- Clarify wording of item 1.4 to refer to 'single dwelling block'.

Greenway Precinct Map and Code

- Rectify an error in Rule R15 that refers to 'criterion' instead of 'rule'.
- Amend Rule R23 and Criterion C23 to refer to the section number rather than block number to avoid situations where the block identifier changes due to subdivision.

Holt Precinct Map and Code

- Adjust Rule R17 to clarify the description of the fence type required in the rule.

Wright Precinct Map and Code

- Adjust the Wright Precinct Map and Figure 1 in the Wright Precinct Code to include areas that are subject to the specific provisions for RZ5 zoned land.
- Rename Figure 4 referring to active frontages and main pedestrian routes to Figure 3 to correct an error in numbering and rename Figure 4 to Figure 3 in rule R9 to correspond with the rectified numbering.

1.2 Public consultation

Under section 87 of the *Planning and Development Act 2007* (the Act) this type of technical amendment is subject to limited public consultation under section 90 of the Act.

TA2018-15 was released for limited public consultation on 26 October 2018 and concluded on 23 November 2018.

No public submissions were received during the consultation period.

1.3 National Capital Authority

The National Capital Authority was advised of TA2018-15 on 25 October 2018.

1.4 Process

This technical amendment has been prepared in accordance with section 87 of the *Planning and Development Act 2007* (the Act).

1.5 Types of technical amendments under the Act

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

- (1) Each of the following territory plan variations is a **technical amendment** for which no consultation is needed before it is made under section 89:
 - (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 to change the boundary of a zone or overlay under section 90A (Rezoning – boundary changes);
 - (c) a variation, other than one to which subsection (2) (d) applies, in relation to an estate development plan under section 96 (Effect of approval of estate development plan);
 - (d) a variation required to bring the territory plan into line with the national capital plan;
 - (e) a variation to omit something that is obsolete or redundant in the territory plan.
- (2) Each of the following territory plan variations is a **technical amendment** for which only limited public consultation is needed under section 90:
 - (a) 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;
- (b) a variation to change the boundary of a zone under section 90B (Rezoning – development encroaching on adjoining territory land);
- (c) a variation in relation to a future urban area under section 90C (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) if it incorporates an ongoing provision that was not included in the plan under section 94 (3) (g);
- (e) a variation to clarify the language in the territory plan if it does not change the substance of the plan;
- (f) 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.

TA2018-15 has been prepared in accordance with sections 87(1)(a) and 87(2)(a) of the Act.

2. EXPLANATORY MATERIAL

Background

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 Variation to the Territory Plan Map

There is a public land 'Pd – special purpose reserve' overlay on the Territory Plan Map over parts of the Murrumbidgee River Corridor. Public land overlays are intended for areas that are subject to a specific Plan of Management for an area. These areas are typically unleased land under the custodianship of the ACT Government. The management objectives for a special purpose reserve are 'to provide for public and community use of the area for recreation and education'.

It has been identified that part of this Pd overlay in the Tharwa area transects a portion of Block 12 Section 3 Tharwa (privately owned land). This is understood to be a historical mapping error and this technical amendment rectifies this situation by aligning the public land reserve overlay boundary with the land subject to the Murrumbidgee River Corridor Plan of Management to the east of the subject block. This is consistent with the alignment of the special purpose reserve boundary where it adjoins the boundaries of other privately leased blocks in Tharwa. The Conservator of Flora and Fauna has requested that the overlay be moved to the boundary of Block 12 so that the whole of the block is excluded from public land.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(a) (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;	Compliant. This amendment proposes to correct a formal error on the Territory Plan Map. The Public Land 'Pd – special purpose reserve' boundary is proposed to be realigned with the block boundary and unleased NUZ4 land to the east of the subject block which is already included in the Murrumbidgee Corridor Pd special purpose reserve area.

See over for diagrams showing existing and proposed overlay boundaries.

Figure 1: Existing overlay and aerial photo – 12/3 Tharwa

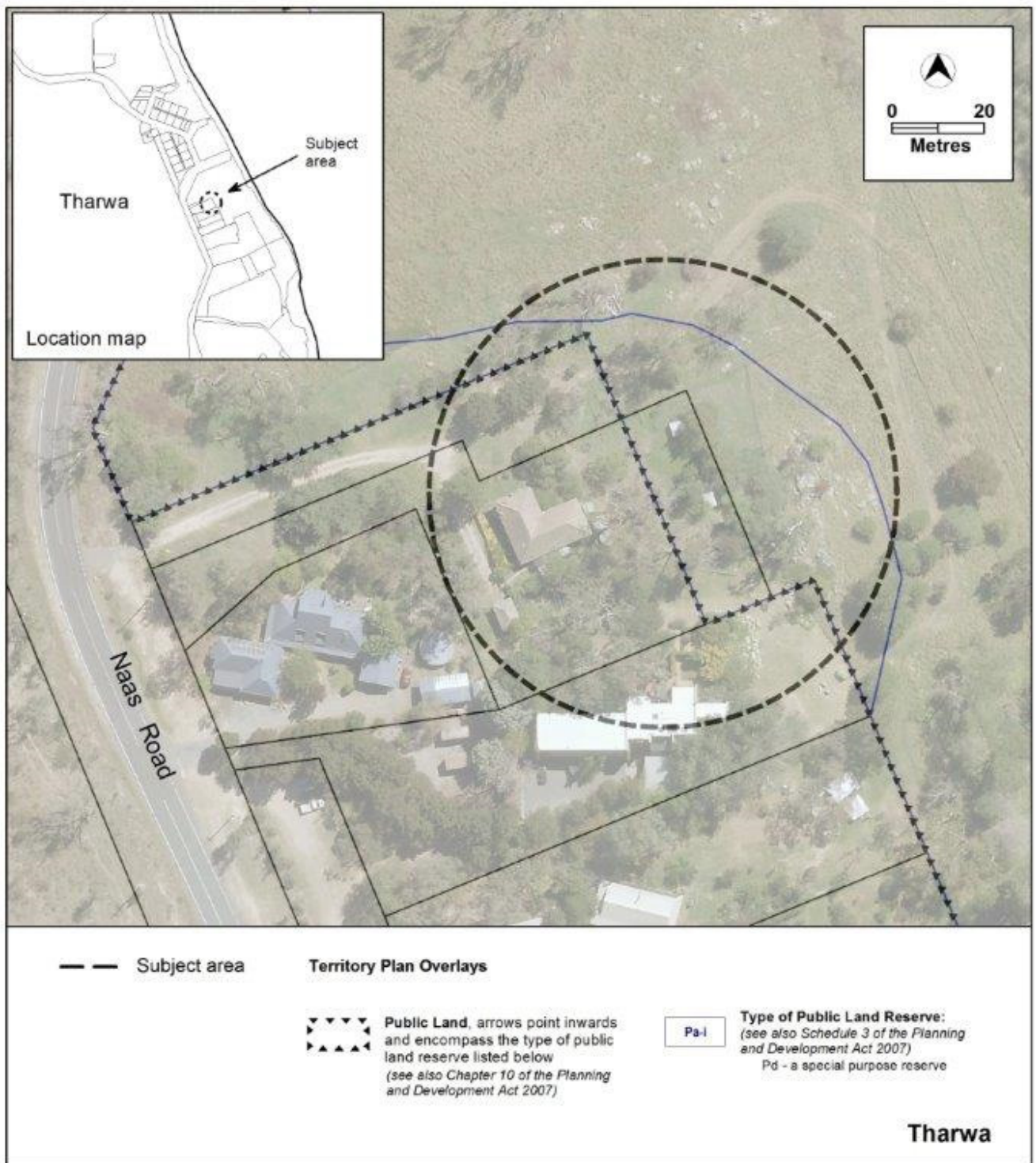


Figure 2: Existing Territory Plan Map – 12/3 Tharwa

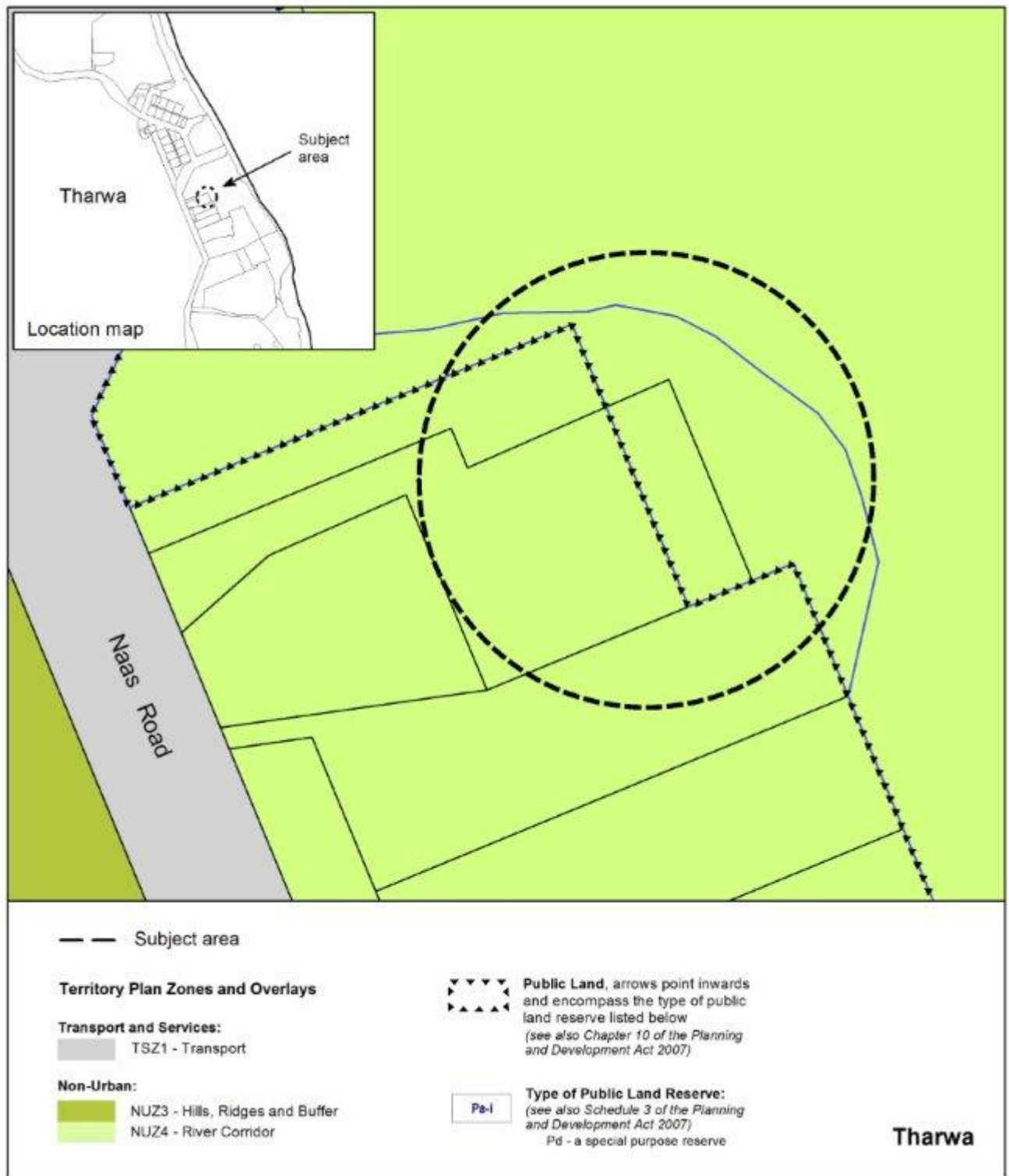


Figure 3: Proposed overlay boundary alignment and aerial photo – 12/3 Tharwa

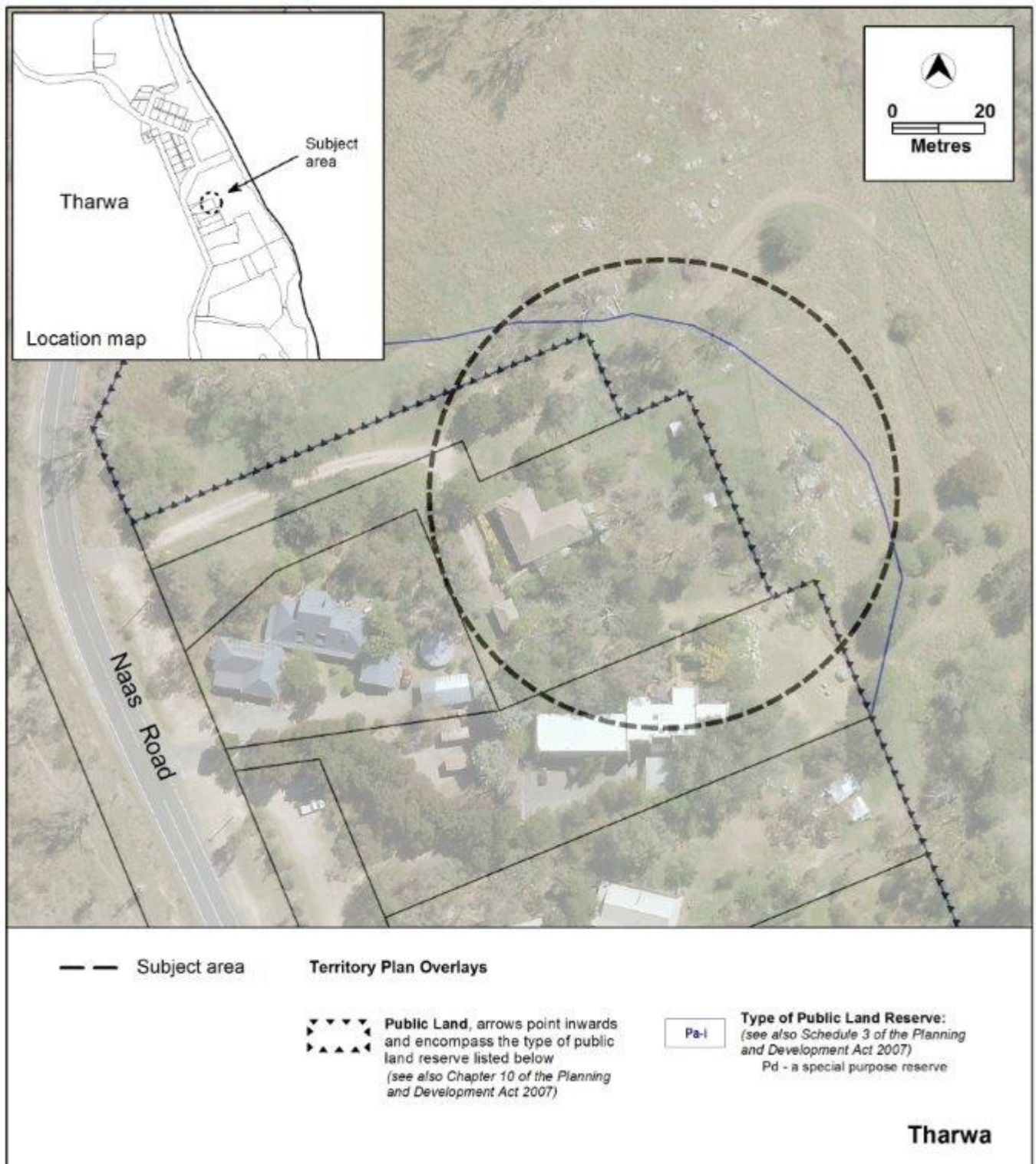
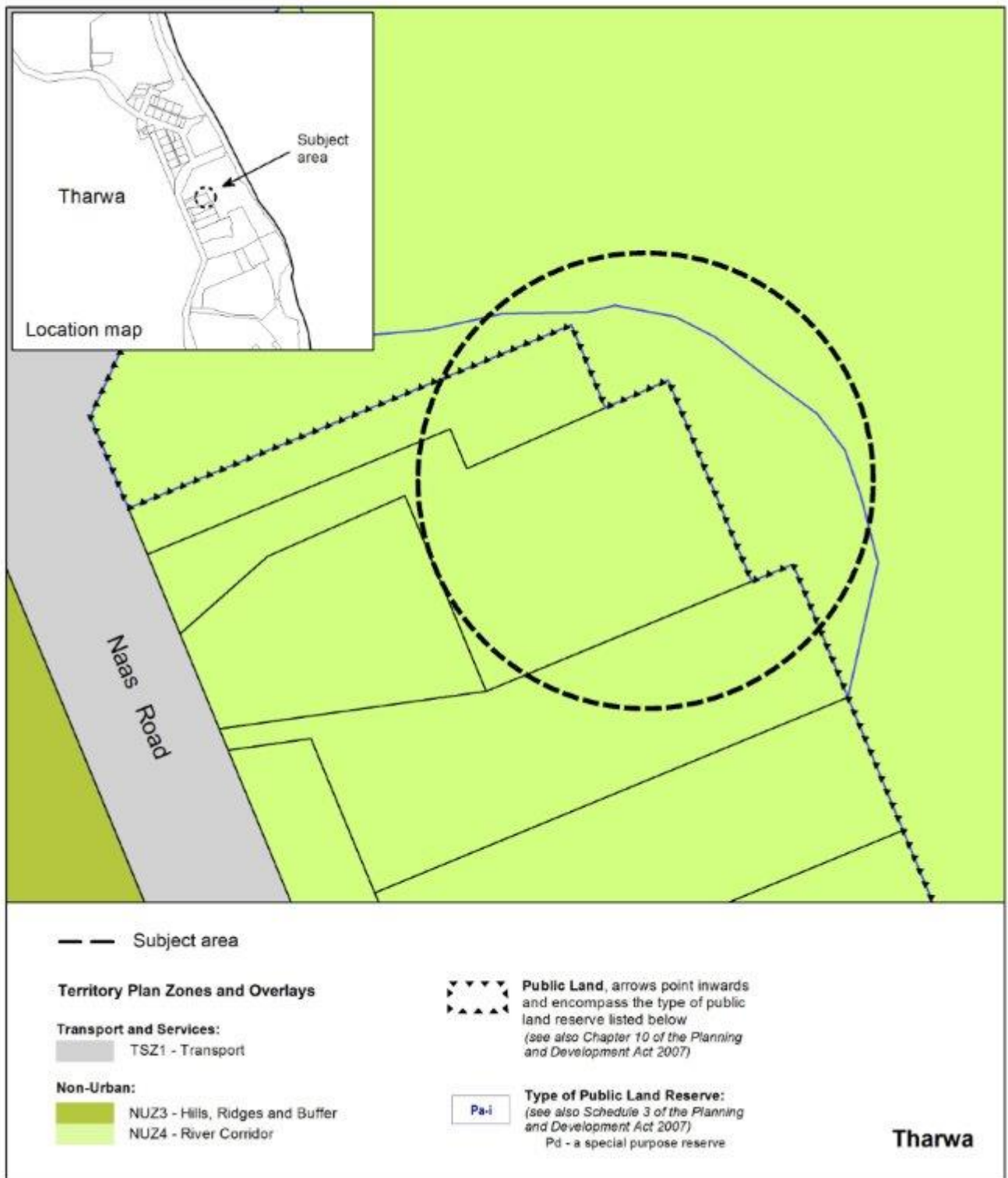


Figure 4: Proposed Territory Plan Map – 12/3 Tharwa



2.2 Variation to the Multi Unit Housing Development Code

2.3.1 Rule R5 – Dwelling replacement

Rule R5 of the Multi Unit Housing Development Code applies to dwelling replacement requirements for redevelopment on single dwelling blocks. The intent is that at least one of the replacement dwellings should have as a minimum the number of bedrooms of the original dwelling it is replacing (the exception being that a dwelling with only one bedroom should have a replacement dwelling of a minimum of 2 bedrooms). The way the rule currently reads is that if a one or two bedroom dwelling is replaced then the replacement requirement is a two bedroom dwelling and cannot be more than this number.

It is proposed to revise the wording to be consistent with the wording regarding the requirements for a replacement dwelling where the original dwelling had three or more bedrooms, where allowance is made for the replacement dwelling to have 3 or more bedrooms.

Existing provision

3.1 Dwelling replacement – single dwelling blocks	
<p>R5</p> <p>This rule applies to <i>single dwelling blocks</i> in all residential zones that are proposed to be redeveloped for <i>multi unit housing</i>, but does not apply to <i>supportive housing</i>.</p> <p>a) where there has been no consolidation of blocks – 1 replacement dwelling</p> <p>b) in all other cases – a number equal to the total number of blocks originally leased or used for the purpose of <i>single dwelling housing</i> that have been consolidated or proposed to be consolidated.</p> <p>For this rule the following number of bedrooms per replacement dwelling are provided:</p> <p>a) where the original dwelling is one or two bedrooms - 2</p> <p>b) where the original dwelling is three or more bedrooms – 3 or more</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Proposed provision

3.1 Dwelling replacement – single dwelling blocks	
<p>R5</p> <p>This rule applies to <i>single dwelling blocks</i> in all residential zones that are proposed to be redeveloped for <i>multi-unit housing</i>, but does not apply to <i>supportive housing</i>.</p> <p>a) where there has been no consolidation of blocks – 1 replacement dwelling</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

<p>b) in all other cases – a number equal to the total number of blocks originally leased or used for the purpose of <i>single dwelling housing</i> that have been consolidated or proposed to be consolidated.</p> <p>For this rule the following number of bedrooms per replacement dwelling are provided:</p> <p>a) where the original dwelling is one or two bedrooms – 2 <u>or more</u></p> <p>b) where the original dwelling is three or more bedrooms – 3 or more</p>	
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Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(2)(a) (a) a variation (an 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</p>	<p>Compliant.</p> <p>The adjustment to the rule clarifies that the intent of this part of the provision was not to limit redevelopment to only 2 bedrooms, but that the minimum replacement was to be 2 bedrooms. This is consistent with the intent of part b) of the rule.</p>

2.3.2 Rule R17 – number of storeys – single dwelling blocks – RZ1

The primary intent of R17 is to ensure that the amenity of neighbouring residents is not compromised by two storey dual occupancy dwellings in the rear part of the block and also to ensure the character of the RZ1 suburban residential zone is maintained.

Variation to the Territory Plan No 306 (V306) made a number of changes to the residential zones codes including introducing the current wording of R17. Prior to this, the equivalent rule R6 in the multi-unit housing development code was:

2.2 Height of Dwelling/s at the Rear of Block	
<p>R6</p> <p>On a standard block (or a block resulting from the consolidation of these blocks), multi unit housing that does not directly front a public road from which vehicular access is permitted is single storey with no basement car parking</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

It is evident that when the rule was revised in V306 the reference to ‘detached house’ was added. This was a choice of wording at the time and not a policy decision. This code technical amendment proposes to delete the specific reference to ‘detached house’ from the rule and retain the intent of the original provision to apply to dwellings in dual occupancy development (a form of *multi-unit housing*) on single dwelling blocks in the RZ1 zones where not directly fronting a public road.

Existing rule (underlined text to be changed)

Rules	Criteria
<p>R17</p> <p>This rule applies to a <u>detached house</u> with all of the following characteristics:</p> <ul style="list-style-type: none"> i) located on a <i>single dwelling block</i> ii) located in RZ1 iii) is part of <u>a dual occupancy housing</u> iv) does not directly front a public road <p>Despite the previous rule the <u>building</u> complies with all of the following:</p> <ul style="list-style-type: none"> a) contains no more than 1 <i>storey</i> b) has no <i>basement</i> car parking. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Proposed rule (see underlined text)

Rules	Criteria
<p>R17</p> <p>This rule applies to a <u>dwelling</u> with all of the following characteristics:</p> <ul style="list-style-type: none"> i) located on a <i>single dwelling block</i> ii) located in RZ1 iii) is part of <i>dual occupancy housing</i> iv) does not directly front a public road <p>Despite the previous rule the <u>dwelling</u> complies with all of the following:</p> <ul style="list-style-type: none"> a) contains no more than 1 <i>storey</i> b) has no <i>basement</i> car parking. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(2)(a) (a) a variation (an 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</p>	<p>Compliant.</p> <p>The adjustment to the rule clarifies that the intent of the rule was to apply to all forms of housing within a dual occupancy development that was subject to the controls in the rules. This is in line with the previous equivalent provision prior to V306 relating to this aspect of dual occupancy development which does not specifically refer to detached dwellings.</p>

2.3 Variation to the Bruce Precinct Map and Code

The University of Canberra in the suburb of Bruce is zoned CFZ – Community Facility zone which allows a range of community uses including supportive housing, residential care accommodation and retirement village, as well as residential accommodation directly related to the university. Variation to the Territory Plan No 347 (V347) amended the provisions that apply to the university by adding a number of permitted uses to the site, including multi-unit housing. The extent of multi-unit housing was restricted on the site by Rule R31 (introduced with V347) which limited it to 3,300 dwellings.

As the intent of this provision was not to restrict the number of dwellings provided as supportive housing, residential care accommodation, retirement village or residential accommodation directly related to the educational establishment (as these were permitted on the site prior to V347), this technical amendment proposes to adjust R31 of the Bruce Precinct Code to clarify that supportive housing, residential care accommodation and retirement village are excluded from the 3300 dwelling limit. R31 has also been reworded to assist development assessment officers to more accurately determine what the rule applies to.

Existing provision

Rules	Criteria
9.1 Non-Student Accommodation	
R31 This rule applies to <i>multi unit housing</i> . This rule does not apply to <i>hotel, motel or commercial accommodation unit</i> . Maximum number of dwellings that are not classified as 'student accommodation' for the University of Canberra' on the site does not exceed 3300.	 This is a mandatory requirement. There is no applicable criterion.

Proposed provision

Rules	Criteria
9.1 Non-Student Accommodation	
R31 This rule does not apply to the following: <i>hotel, motel, commercial accommodation unit, residential care accommodation, retirement village, supportive housing</i> or development which is classified as 'student accommodation'. Total maximum number of <i>dwellings</i> - 3300.	 This is a mandatory requirement. There is no applicable criterion.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(2)(a) (a) a variation (an 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. The adjustment and rewording of the rule clarifies the uses which are to be exempt from the rule to allow forms of accommodation related to the core functions of the university campus. The 3300 dwelling restriction is still for residential uses not related to those core functions.

2.4 Variation to the Coombs Precinct Map and Code

The title of Rule R3 of the Coombs Precinct Code relating to minimum building height for the RZ5 residential areas in Coombs refers to ‘residential buildings with three storeys or fewer’. This is incorrect as the provision is aimed at mandatory minimum building height for development within the RZ5 high density zones, not restricting building heights to three storeys or fewer.

The intent of the rule is to ensure that sufficient height and density is achieved in the RZ5 high density residential zones in Coombs especially where buildings front the arterial road known as John Gorton Drive. The rule does not impose maximum height limits, only mandatory minimum height limits. Maximum height limits for the RZ5 zone are prescribed in the Multi-Unit Housing Development Code.

Existing heading for Rule R3

“3.1 Minimum building height – residential buildings with three storeys or fewer”

Proposed heading for Rule R3

“3.1 Minimum building height”

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(a) (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;	Compliant. This amendment proposes to correct the heading for the provision in the Coombs Precinct Code relating to minimum building height as the current heading is misleading and does not relate to the content or purpose of the mandatory rule.

2.5 Variation to the Deakin Precinct Map and Code

The Deakin Precinct Map and Code refers to 'Plot ratio – single dwelling housing' in Item 1.4 of the RC1 Residential Area. The rule under this item requires a maximum plot ratio of 30%.

The word 'housing' in the heading for this provision is misleading. The intention of the control on plot ratio is that it applies to development of the block and not restricted to one type of housing. This clarification will remove any misunderstanding when dual occupancy housing is proposed on blocks subject to this rule. The intent of the 30% plot ratio is to maintain the character of the residential area whether it be for single dwelling housing or dual occupancy housing.

The absence of a rule number will also be rectified and R4 assigned to the provision.

Existing provision

Rules	Criteria
1.4 Plot ratio – single dwelling housing	
The maximum plot ratio is 30%.	C4 The scale of buildings is compatible with adjacent development.

Proposed provision

Rules	Criteria
1.4 Plot ratio	
R4 The maximum plot ratio is 30%.	C4 The scale of buildings is compatible with adjacent development.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(2)(a) (a) a variation (an 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. The proposed change to the wording to substitute 'housing' with 'block' will alleviate confusion when multi-unit housing redevelopment is proposed on blocks in the Residential Area under the Deakin Precinct Code.

2.6 Variation to the Forrest Precinct Map and Code

Similar to the Deakin Precinct Map and Code, the Forrest Precinct Map and Code refers to 'Plot ratio – single dwelling housing' in Item 1.4 of the RC1 Residential zone additional controls. Rule R4 under this item requires a maximum plot ratio of 30%.

The word 'housing' in the heading for this provision is misleading. The intention of the control on plot ratio is that it applies to development of the block and not restricted to one type of housing. This clarification will remove any misunderstanding when dual occupancy housing is proposed on blocks subject to this rule. The intent

of the 30% plot ratio is to maintain the character of the residential area whether it be for single dwelling housing or dual occupancy housing.

As part of these changes, the wording of Criterion C4 will also be slightly adjusted to read better and be consistent with the wording in the Deakin Precinct Code.

Existing provision

Rules	Criteria
1.4 Plot ratio – single dwelling housing	
R4 The maximum plot ratio is 30%.	C4 Buildings scale is compatible with adjacent development.

Proposed provision

Rules	Criteria
1.4 Plot ratio	
R4 The maximum plot ratio is 30%.	C4 <u>The scale of buildings is compatible with adjacent development.</u>

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(2)(a) (a) a variation (an 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. The proposed change to the wording to substitute 'housing' with 'block' will alleviate confusion when multi-unit housing redevelopment is proposed on blocks in the 'Residential zone additional controls' under the Forrest Precinct Code. The wording of the Criterion C4 will also be slightly adjusted to read better and be consistent with the wording in the Deakin Precinct Code.

2.7 Variation to the Greenway Precinct Map and Code

2.8.1 Rule R15 – Gateway buildings

The mandatory rule R15 relating to Gateway buildings in the Greenway Precinct Map and Code refer to 'criterion' in the text. This is an error and should be 'rule'. This is rectified as follows:

Proposed change to Rule R15

5.6 Gateway buildings	
R15 This criterion rule applies to gateway buildings in locations shown on figure 1. Buildings address the intersection of Anketell Street and Soward Way.	This is a mandatory provision. There is no applicable criterion.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(a) (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;	Compliant. This amendment is to correct a formal error in the Greenway Precinct Map and Code to replace the word 'criterion' with 'rule' in Rule R15 text.

2.8.2 Rule R23 – trees - medium density area

Rule R23 and Criterion C23 refer to Block 2 (of Section 28 Greenway). However, due to new blocks being created for Section 28, Block 2 has been retired and replaced with new blocks and block identifiers. In order to provide clarity for proponents and development assessors, it is proposed to change the references to Block 2 in R23 and C23 to Section 28, so that the rule and criterion still apply to any development affecting existing trees.

Existing rule (text to be changed underlined)

Rules	Criteria
8.1 Trees	
R23 This rule applies to the drip zone area identified in figure 6. Building and construction works do not encroach on land within the drip zone plus 2.0m of the existing trees on the eastern edge of <u>Block 2</u> adjacent to Drakeford Drive. This includes any basements.	C23 The health of existing trees on the eastern edge of <u>Block 2</u> adjacent to Drakeford Drive is maintained. Compliance with this criterion is achieved by a report that has been prepared by a suitably qualified arborist and endorsed by the Conservator of Flora and Fauna.

Proposed rule (see underlined text)

Rules	Criteria
8.1 Trees	
<p>R23</p> <p>This rule applies to the drip zone area identified in figure 6.</p> <p>Building and construction works do not encroach on land within the drip zone plus 2.0m of the existing trees on the eastern edge of <u>Section 28</u> adjacent to Drakeford Drive. This includes any basements.</p>	<p>C23</p> <p>The health of existing trees on the eastern edge of <u>Section 28</u> adjacent to Drakeford Drive is maintained.</p> <p>Compliance with this criterion is achieved by a report that has been prepared by a suitably qualified arborist and endorsed by the Conservator of Flora and Fauna.</p>

Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(2)(a) (a) a variation (an 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</p>	<p>Compliant. The change to refer to the section number rather than block number is being made to avoid situations where the block identifier changes due to subdivision of Section 28. It does not change the intent of the provision.</p>

2.8 Variation to the Holt Precinct Map and Code

The Holt Precinct Code contains a number of rules about fencing. Rule R16 describes fence type 'F7'. There is no associated diagram for 'F7', but the description is provided in the text of R16. As fence type F7 is also referred to in Rule R17, it is proposed to add text to R17 that refers the reader to R16 for a description of fence type 'F7'.

Proposed Rule R17 (see underlined text)

Rules	Criteria
<p>R17</p> <p>This rule applies to blocks or parcels in locations identified by 'F8' in Figures 2, 3 and 4.</p> <p>Fence permitted on this boundary. Where a fence is constructed on this boundary enclosing a private open space, fence to be fence type F7 <u>as described in Rule R16</u>.</p> <p>In all other cases where fence is constructed it is to be type F1 or F9.</p> <p>Note: See Diagrams for examples of relevant fence types.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(2)(a)</p> <p>(a) a variation (an code variation) that—</p> <p>(i) would only change a code</p> <p>(ii) is consistent with the policy purpose and policy framework of the code; and</p> <p>(iii) is not an error variation</p>	<p>Compliant.</p> <p>The proposed change to the wording helps to clarify what the F7 type fence is to look like by referring the reader of Rule R17 back to the previous rule (R16) for a description of the required fencing type for the locations identified in the rule. There is no change to the meaning or the intent of the rule.</p>

2.9 Variation to the Wright Precinct Map and Code

2.10.1 RZ5 residential area – North Wright

This technical amendment proposes to update the Wright Precinct Map and Code for parcels of RZ5 high density residential zoned land to which specific requirements apply.

The current Wright Precinct Map shows the extent of the RC1 – residential use area. The RC1 section in the Precinct Code includes specific minimum height provisions for buildings in the RZ5 zone. Figure 1 identifies the parcels of land subject to these requirements.

These minimum height requirements are contained in the Coombs and Wright concept plan (Rule R52) and apply to all RZ5 zoned land in Coombs and Wright. As the future urban area (FUA) overlays in Coombs and Wright are progressively uplifted and the zonings confirmed, the height provisions should be consistently applied to the parcels of RZ5 zoned land when development is undertaken. The provisions were initially transferred into the Wright Precinct Map and Code when the uplift of the FUA overlay over the first parcel of land occurred. It is now timely that the precinct map and Figure 1 be updated to include additional parcels of RZ5 land where the FUA has been uplifted to which these specific provisions apply.

The area of future urban area land in North Wright is also in the process of having the zonings confirmed and the provisions that apply to RZ5 zoned land in this location also need to be included in the Wright Precinct Map and Code. It is proposed to introduce an RC3 area on the precinct map for land in North Wright to include the specific provisions still applying to the remaining RZ5 land in the suburb.

The provisions to be included in the RC3- RZ5 North Wright residential area are:

RC3 – RZ5 Residential North Wright

This part applies to blocks and parcels identified in area RC3 shown on the Wright Precinct Map.

Element 1: Buildings

Rules	Criteria
6.1 Minimum number of storeys	
R10 Buildings facing John Gorton Drive have a minimum building height of 3 storeys. All other buildings have a minimum building height of 2 storeys.	This is a mandatory requirement. There is no applicable criterion.

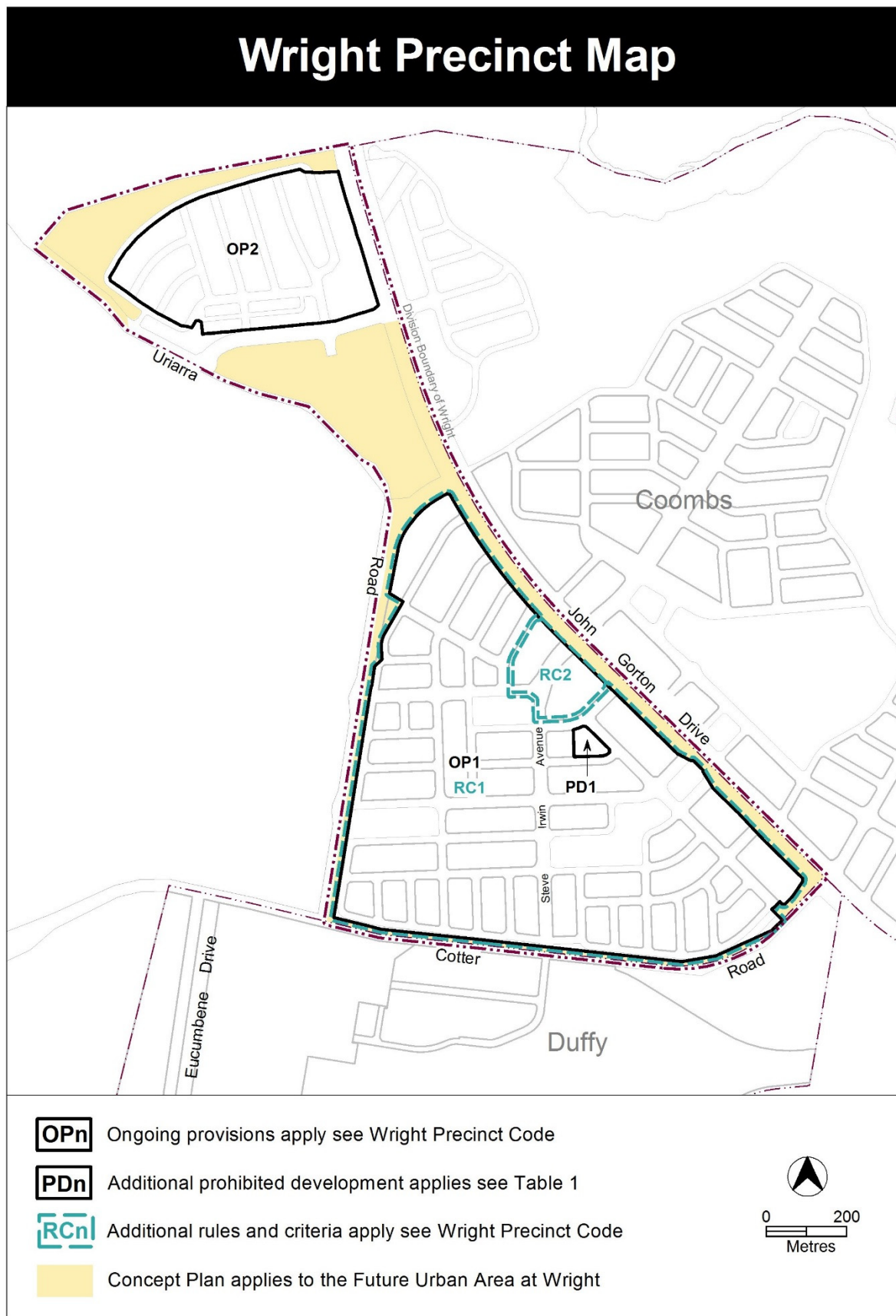
Element 2: Amenity

Rules	Criteria
7.1 Boundaries between multi-unit residential and open space	
There is no applicable rule.	C11 This criterion applies to urban blocks (other than single residential blocks) which have a common boundary with a block(s) within the

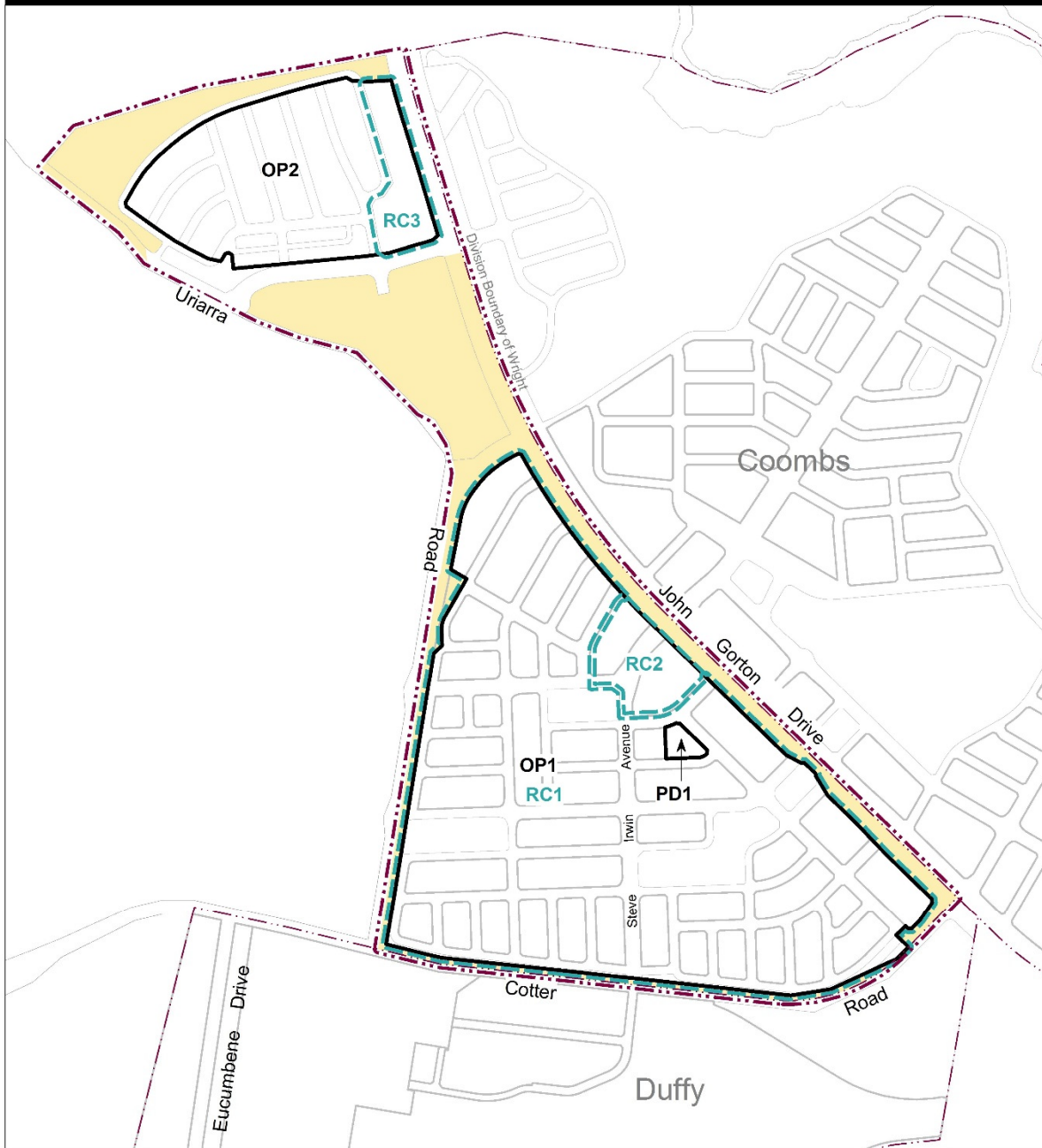
Rules	Criteria
7.1 Boundaries between multi-unit residential and open space	
	<p>PRZ1 Urban Open Space Zone</p> <p>The common boundary between urban blocks (other than single residential block) and urban open space and/or a river corridor achieves all of the following:</p> <ul style="list-style-type: none"> a) ease of access to urban open space corridors b) surveillance of urban open space corridors c) avoidance of rear boundary fencing d) ground floor dwellings address to urban open space where there is no edge street.

Compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(2)(f)</p> <p>(f) a variation to relocate a provision within the territory plan if the substance of the provision is not changed.</p>	<p>Compliant.</p> <p>The proposed changes to the Wright Precinct Map and Code are consistent with the provisions in the Coombs and Wright Concept Plan for RZ5 areas. These provisions have been transferred into the Wright Precinct Map and Code as the future urban area overlays have now been uplifted and the zonings for these parcels of land confirmed.</p> <p>Building envelope provisions that were included in the precinct code for the initial development of Wright are not required to be included in the proposed RC3 area as these requirements were included in the Multi Unit Housing Development Code (MUHDC) after the original Wright Precinct Map and Code was introduced and therefore the RZ5 parcel of land in North Wright are covered by the provisions in the MUHDC.</p>



Wright Precinct Map



- OPn** Ongoing provisions apply see Wright Precinct Code
- PDn** Additional prohibited development applies see Table 1
- RCn** Additional rules and criteria apply see Wright Precinct Code
- Concept Plan applies to the Future Urban Area at Wright

Existing Figure 1 in the Wright Precinct Code

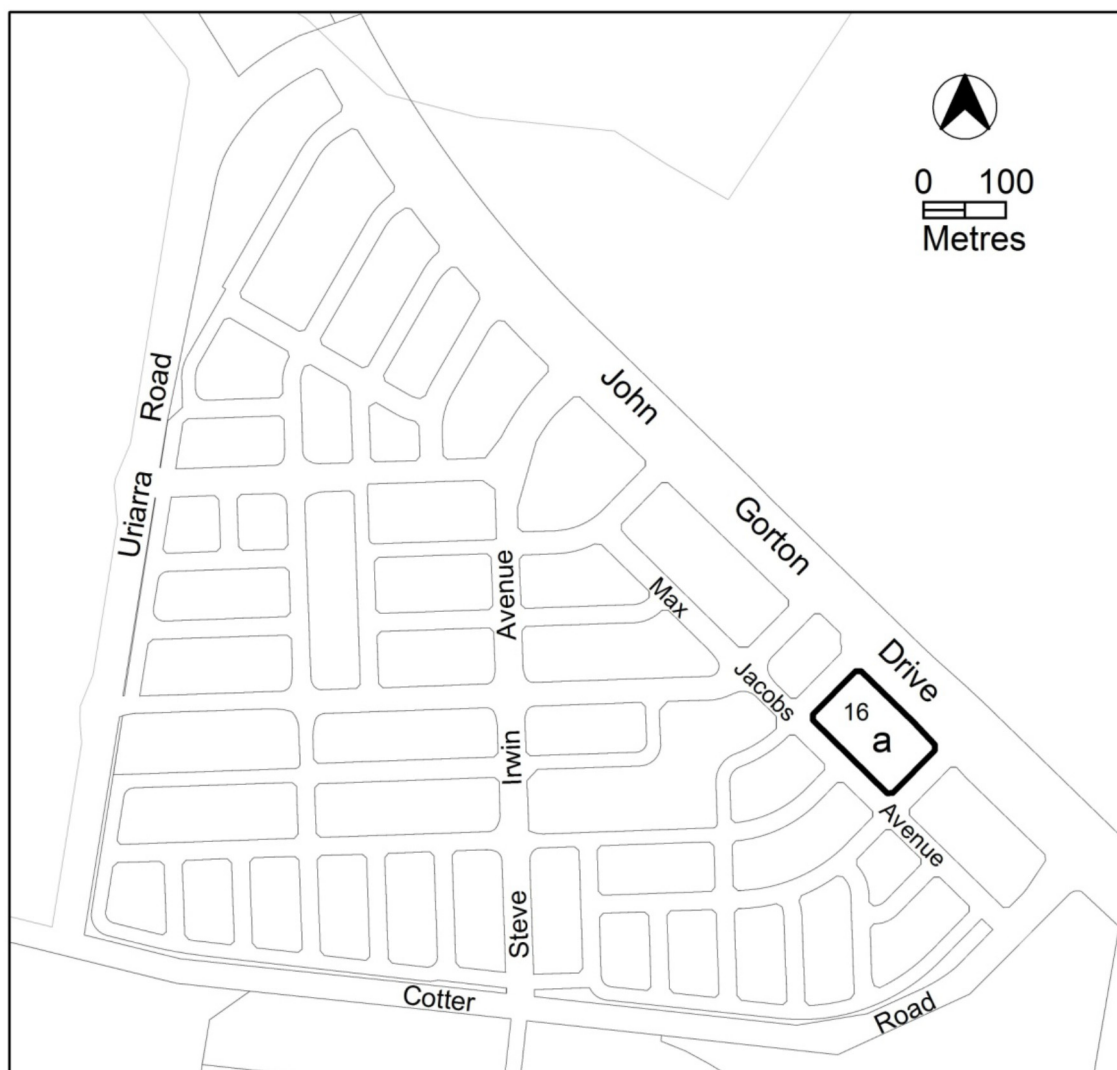


Figure 1 Building heights

Proposed Figure 1



Figure 1 Building heights

2.10.2 Numbering of figures

This technical amendment proposes to rectify the numbering of ‘Figure 4 Active frontages and main pedestrian areas and routes’ in the precinct code. In order for figures in the document to be numbered sequentially, it is proposed to change this Figure 4 to Figure 3, as there is currently no Figure 3 referred to in the code. This will not affect subsequent numbering of OP figures as these references have been updated in technical amendment TA2018-16.

Compliance with the *Planning and Development Act 2007*

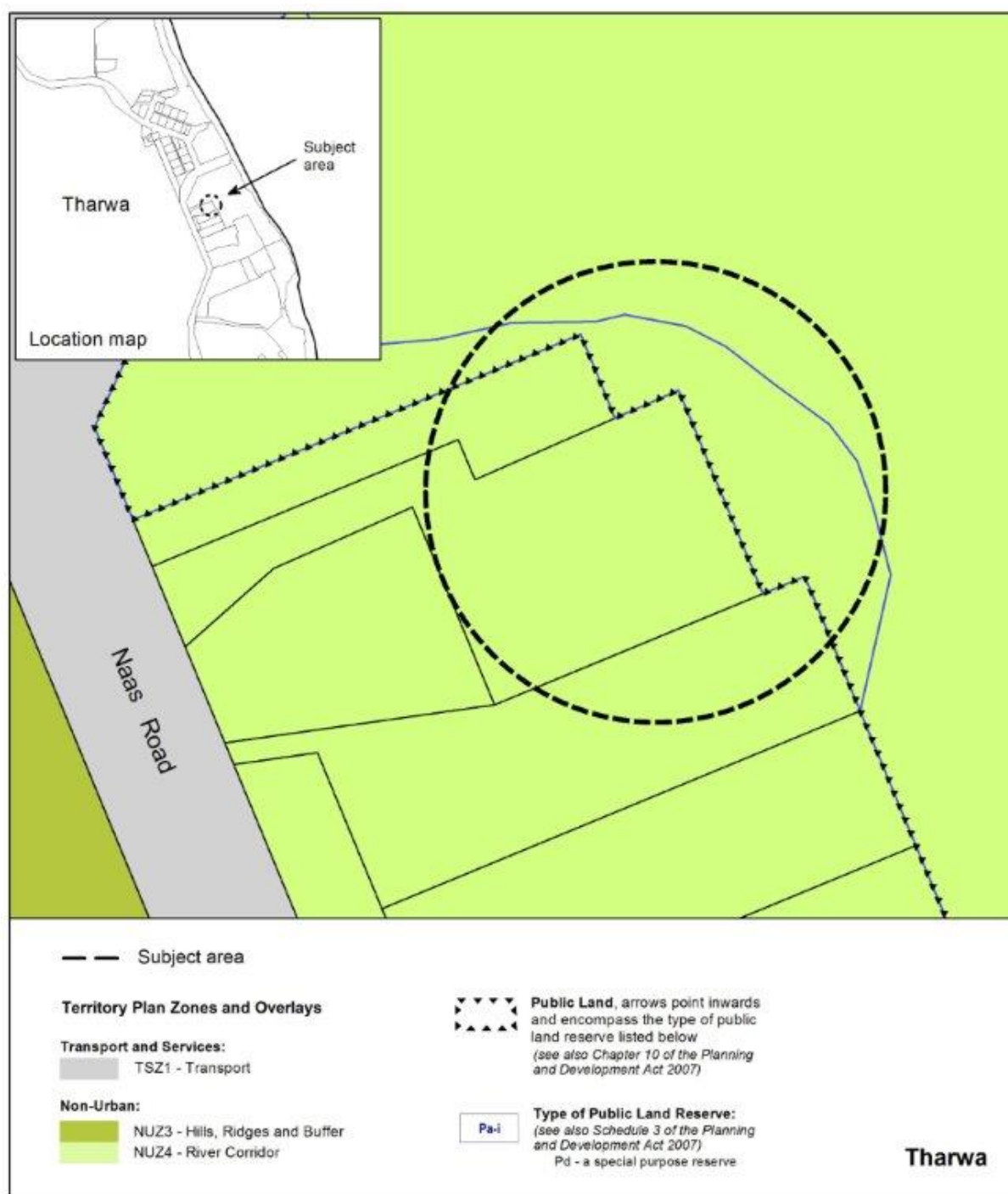
Section	Statement
s87(1)(a) (a) a variation (an error variation) that— (i) would not adversely affect anyone’s rights if approved; and (ii) has as its only object the correction of a formal error in the plan;	Compliant. This amendment is to correct a formal error in the Wright Precinct Map and Code to rectify the numbering of ‘Figure 4 Active frontages and main pedestrian areas and routes’ to ‘Figure 3 Active frontages and main pedestrian areas and routes’ so that figures are numbered sequentially.

3. TECHNICAL AMENDMENT

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

3.1 Variation to the Territory Plan Map

Substitute



3.2 Variation to the Multi Unit Housing Development Code

1. Part A – General controls; Element 3: Building and site controls; Item 3.1 Dwelling replacement – single dwelling blocks; Rule R5

Substitute

3.1 Dwelling replacement – single dwelling blocks	
<p>R5</p> <p>This rule applies to <i>single dwelling blocks</i> in all residential zones that are proposed to be redeveloped for <i>multi-unit housing</i>, but does not apply to <i>supportive housing</i>.</p> <p>a) where there has been no consolidation of blocks – 1 replacement dwelling</p> <p>b) in all other cases – a number equal to the total number of blocks originally leased or used for the purpose of <i>single dwelling housing</i> that have been consolidated or proposed to be consolidated.</p> <p>For this rule the following number of bedrooms per replacement dwelling are provided:</p> <p>a) where the original dwelling is one or two bedrooms – 2 or more</p> <p>b) where the original dwelling is three or more bedrooms – 3 or more</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

2. Part A – General controls; Element 3: Building and site controls; Item 3.12 Number of storeys – single dwelling blocks – RZ1; Rule R17

Substitute

Rules	Criteria
<p>R17</p> <p>This rule applies to a <i>dwelling</i> with all of the following characteristics:</p> <p>i) located on a <i>single dwelling block</i></p> <p>ii) located in RZ1</p> <p>iii) is part of <i>dual occupancy housing</i></p> <p>iv) does not directly front a public road</p> <p>Despite the previous rule the <i>dwelling</i> complies with all of the following:</p> <p>a) contains no more than 1 <i>storey</i></p> <p>b) has no <i>basement</i> car parking.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

3.3 Variation to the Bruce Precinct Map and Code

3. RC4 – University of Canberra; Element 9: Residential Development; Item 9.1 Non-Student Accommodation; Rule R31

Substitute

Rules	Criteria
9.1 Non-Student Accommodation	
R31 This rule does not apply to the following: <i>hotel, motel, commercial accommodation unit, residential care accommodation, retirement village, supportive housing</i> or development which is classified as 'student accommodation'. Total maximum number of <i>dwelling</i> s - 3300.	This is a mandatory requirement. There is no applicable criterion.

3.4 Variation to the Coombs Precinct Map and Code

4. RC2 – RZ5 Residential Area; Element 3: Building height; Item 3.1

Substitute

3.1 Minimum building height

3.5 Variation to the Deakin Precinct Map and Code

5. RC1- Residential Area; Item 1.4 Plot ratio – single dwelling housing

Substitute

Rules	Criteria
1.4 Plot ratio	
R4 The maximum plot ratio is 30%.	C4 The scale of buildings is compatible with adjacent development.

3.6 Variation to the Forrest Precinct Map and Code

6. RC1 - Residential zones additional controls; Item 1.4 Plot ratio – single dwelling housing

Substitute

Rules	Criteria
1.4 Plot ratio	
R4 The maximum plot ratio is 30%.	C4 The scale of buildings is compatible with adjacent development.

3.7 Variation to the Greenway Precinct Map and Code

7. RC3 – Tuggeranong Town Centre; Element 5: Buildings; Item 5.6 Gateway buildings; Rule R15

Substitute

5.6 Gateway buildings	
R15 This rule applies to gateway buildings in locations shown on figure 1. Buildings address the intersection of Anketell Street and Soward Way.	This is a mandatory provision. There is no applicable criterion.

8. RC5 – Medium density area; Element 8: Environment; Item 8.1 Trees; Rule R23 and Criterion C23

Substitute

Rules	Criteria
8.1 Trees	
R23 This rule applies to the drip zone area identified in figure 6. Building and construction works do not encroach on land within the drip zone plus 2.0m of the existing trees on the eastern edge of Section 28 adjacent to Drakeford Drive. This includes any basements.	C23 The health of existing trees on the eastern edge of Section 28 adjacent to Drakeford Drive is maintained. Compliance with this criterion is achieved by a report that has been prepared by a suitably qualified arborist and endorsed by the Conservator of Flora and Fauna.

3.8 Variation of the Holt Precinct Map and Code

9. RC2 – Residential; Element 3: Building and site controls; Item 3.3 Fences, Rule R17

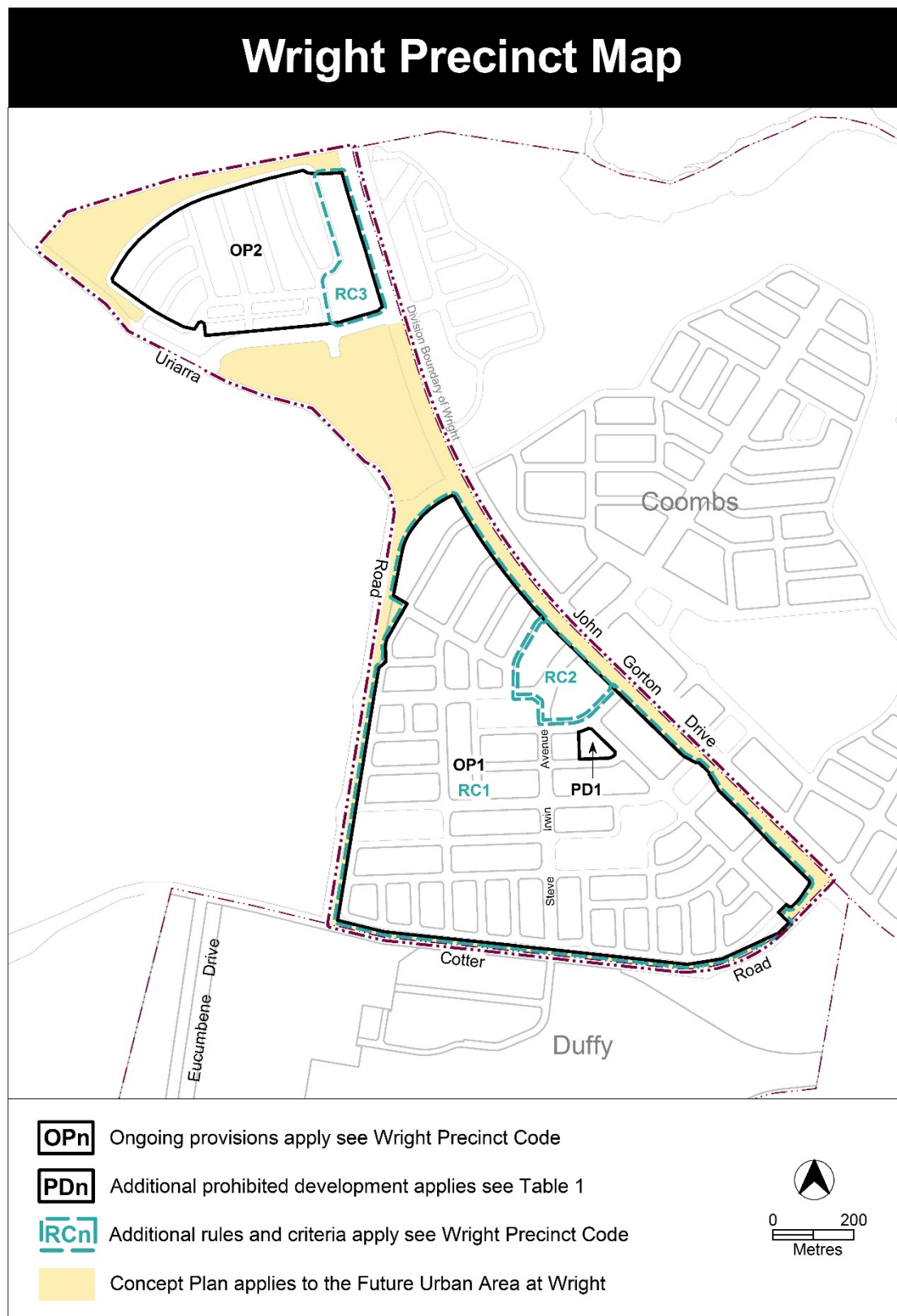
Substitute

Rules	Criteria
<p>R17</p> <p>This rule applies to blocks or parcels in locations identified by 'F8' in Figures 2, 3 and 4.</p> <p>Fence permitted on this boundary. Where a fence is constructed on this boundary enclosing a private open space, fence to be fence type F7 as described in Rule R16.</p> <p>In all other cases where fence is constructed it is to be type F1 or F9.</p> <p>Note: See Diagrams for examples of relevant fence types.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

3.9 Variation to the Wright Precinct Map and Code

10. Wright Precinct Map

Substitute



11. Wright Precinct Code Figure 1

Substitute



Figure 1 Building heights

12. Wright Precinct Code – RC2 – Mixed use area; Element 5: Mixed use buildings; item 5.3 Active frontages and main pedestrian areas; Rule R9

Omit 'Figure 4' in the first sentence and *replace* with 'Figure 3'

13. Wright Precinct Code – RC2 – Mixed use area; Element 5: Mixed use buildings; item 5.3 Active frontages and main pedestrian areas; Figure 4 Active frontages and main pedestrian areas and routes

Omit 'Figure 4' in the naming of this figure and *replace* with 'Figure 3'

14. Wright Precinct Code – Additional Rules and Criteria

Add

RC3 – RZ5 Residential North Wright

This part applies to blocks and parcels identified in area RC3 shown on the Wright Precinct Map.

Element 6: Buildings

Rules	Criteria
6.1 Minimum number of storeys	
<p>R10</p> <p>Buildings facing John Gorton Drive have a minimum building height of 3 storeys.</p> <p>All other buildings have a minimum building height of 2 storeys.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 7: Amenity

Rules	Criteria
7.1 Boundaries between multi-unit residential and open space	
<p>There is no applicable rule.</p>	<p>C11</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</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.

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