

Planning and Development (Technical Amendment—Taylor) Plan Variation 2019 (No 1)

Notifiable instrument NI2019—363

Technical Amendment No 2019-05

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Taylor) Plan Variation 2019 (No 1)*.

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 Taylor plan variation is a technical amendment to the Territory Plan.

4 Meaning of *Taylor plan variation*

In this instrument:

Taylor plan variation means the technical amendment to the Territory Plan, variation 2019-05, in the schedule.

Note: No consultation was required in relation to the Taylor plan variation under section 87 of the Act.

Kathy Cusack
Delegate of the planning and land authority
5 June 2019



Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2019-05

Future urban area variation and changes to
the Taylor Precinct Map and Code

June 2019

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1. INTRODUCTION

1.1 Purpose

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

Territory Plan Map

- The Territory Plan map is varied to remove the Future Urban Area Overlay from land in the Division of Taylor, as identified in Part 2 of this document.

Taylor Precinct Map and Code

- The Taylor Precinct Map and Code is amended to include ongoing provisions, as described in Part 2 of this document.

1.2 Public consultation

Under section 87 of the *Planning and Development Act 2007* (the Act) this type of technical amendment is not subject to public consultation.

1.3 National Capital Authority

The National Capital Authority does not need to be advised of this technical amendment as per 1.2.

1.4 Process

This technical amendment has been prepared in accordance with section 87 and made in accordance with section 89 of 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.

TA2019-05 has been prepared in accordance with section 87 (1) (c).

2. EXPLANATION

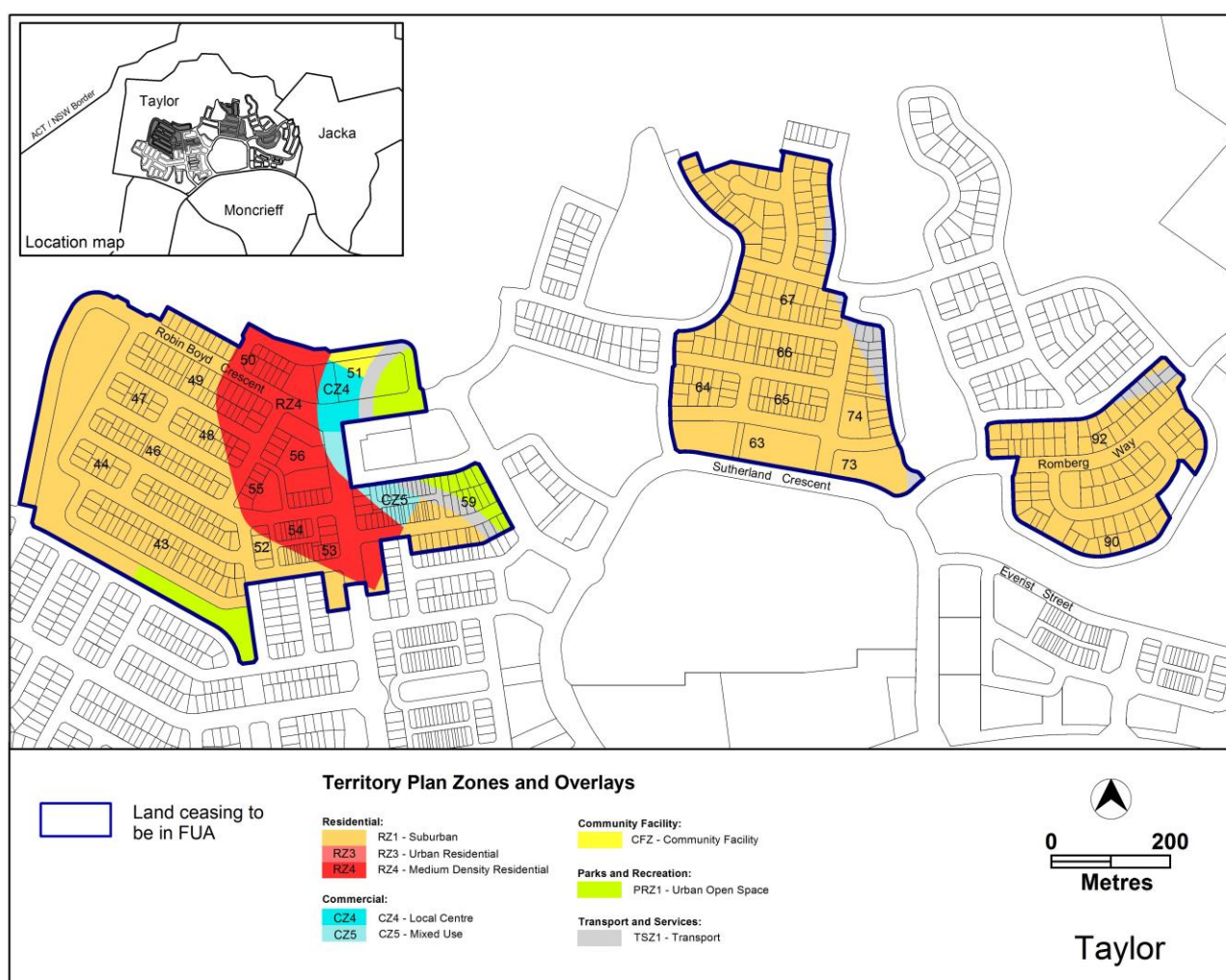
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

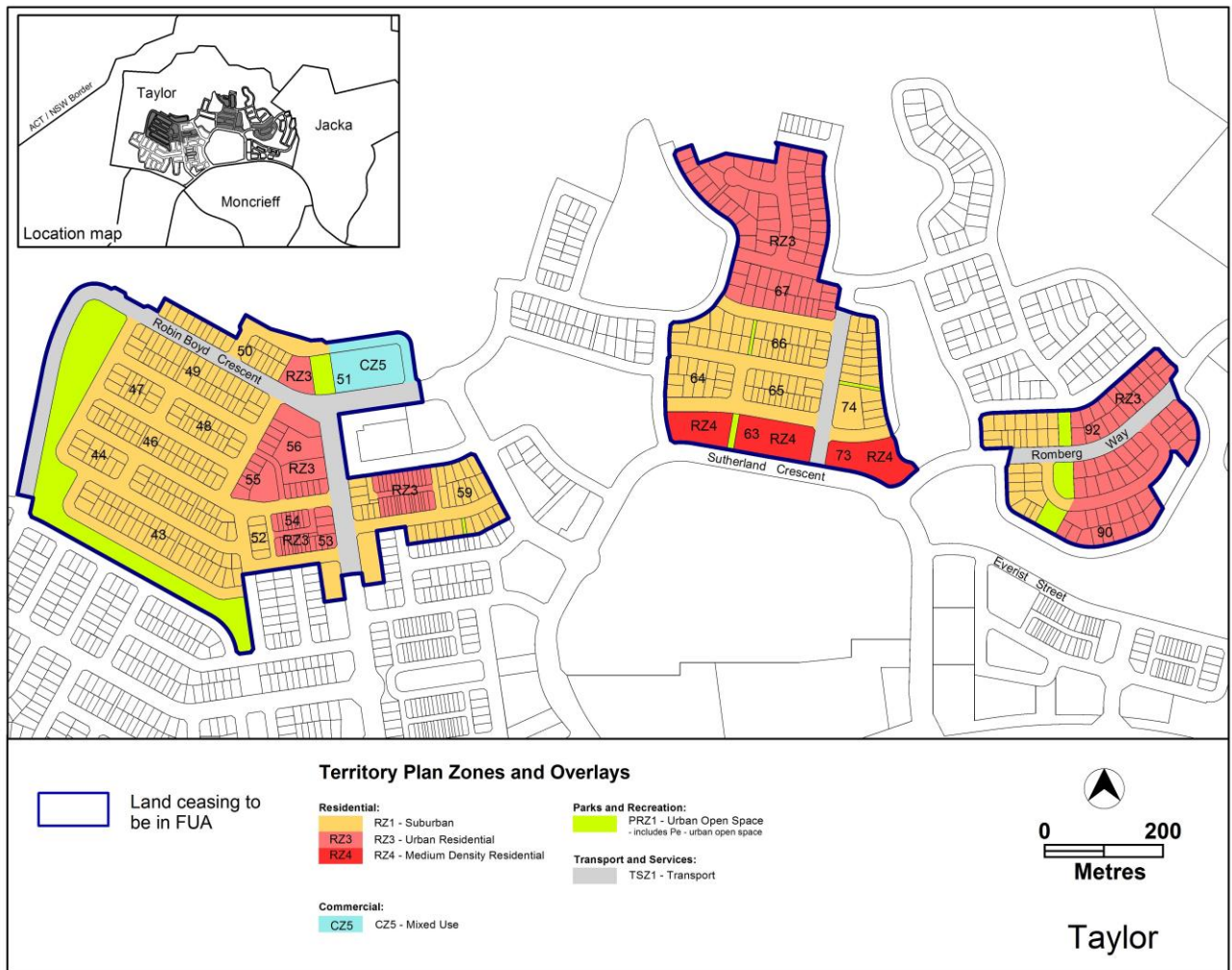
Variation to the Territory Plan

The Territory Plan map is varied to identify the zones and overlays that apply to land ceasing to be in a future urban area.

Existing Territory Plan Map



Proposed Territory Plan Map



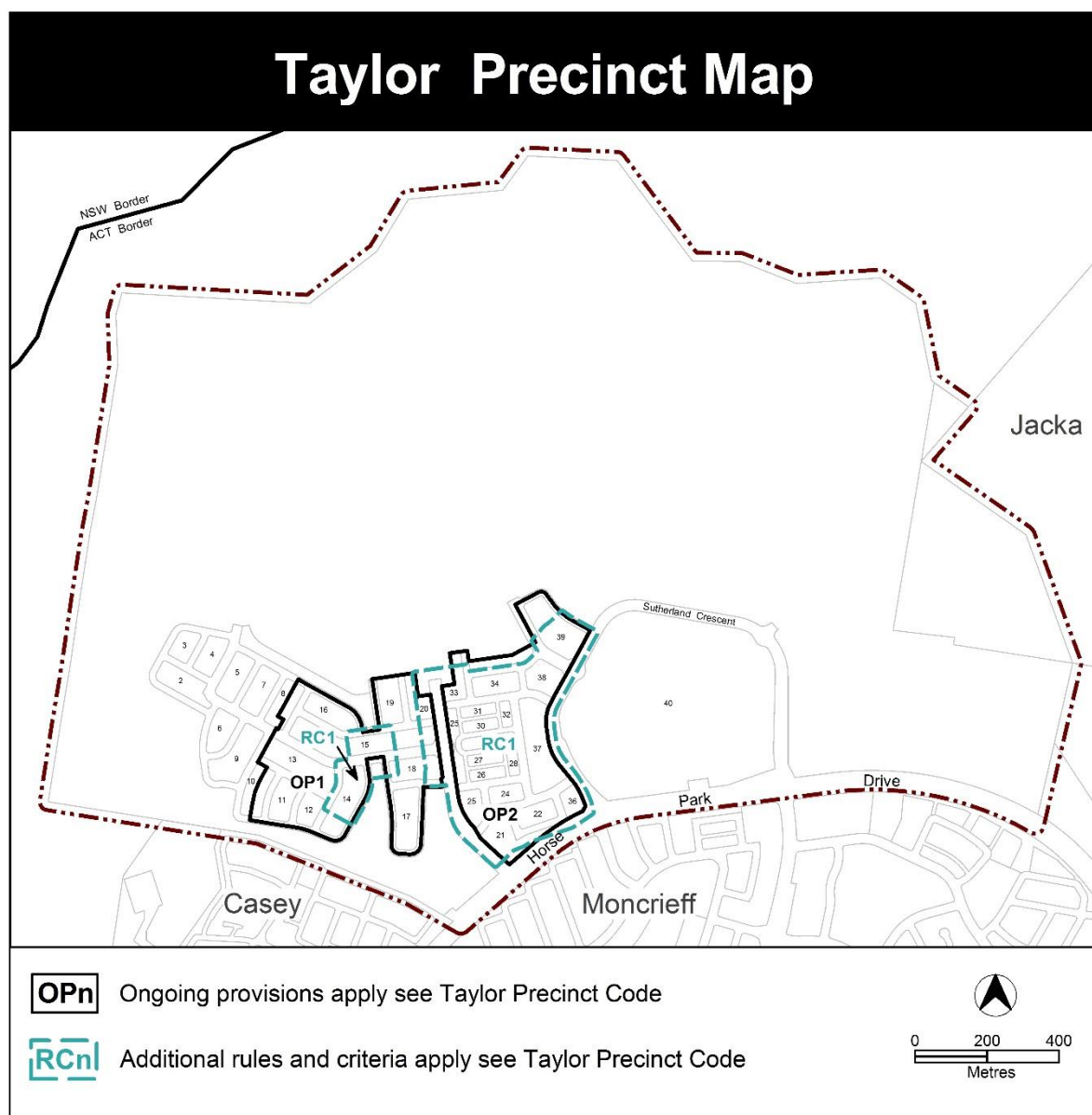
2.2 Taylor Precinct Map and Code

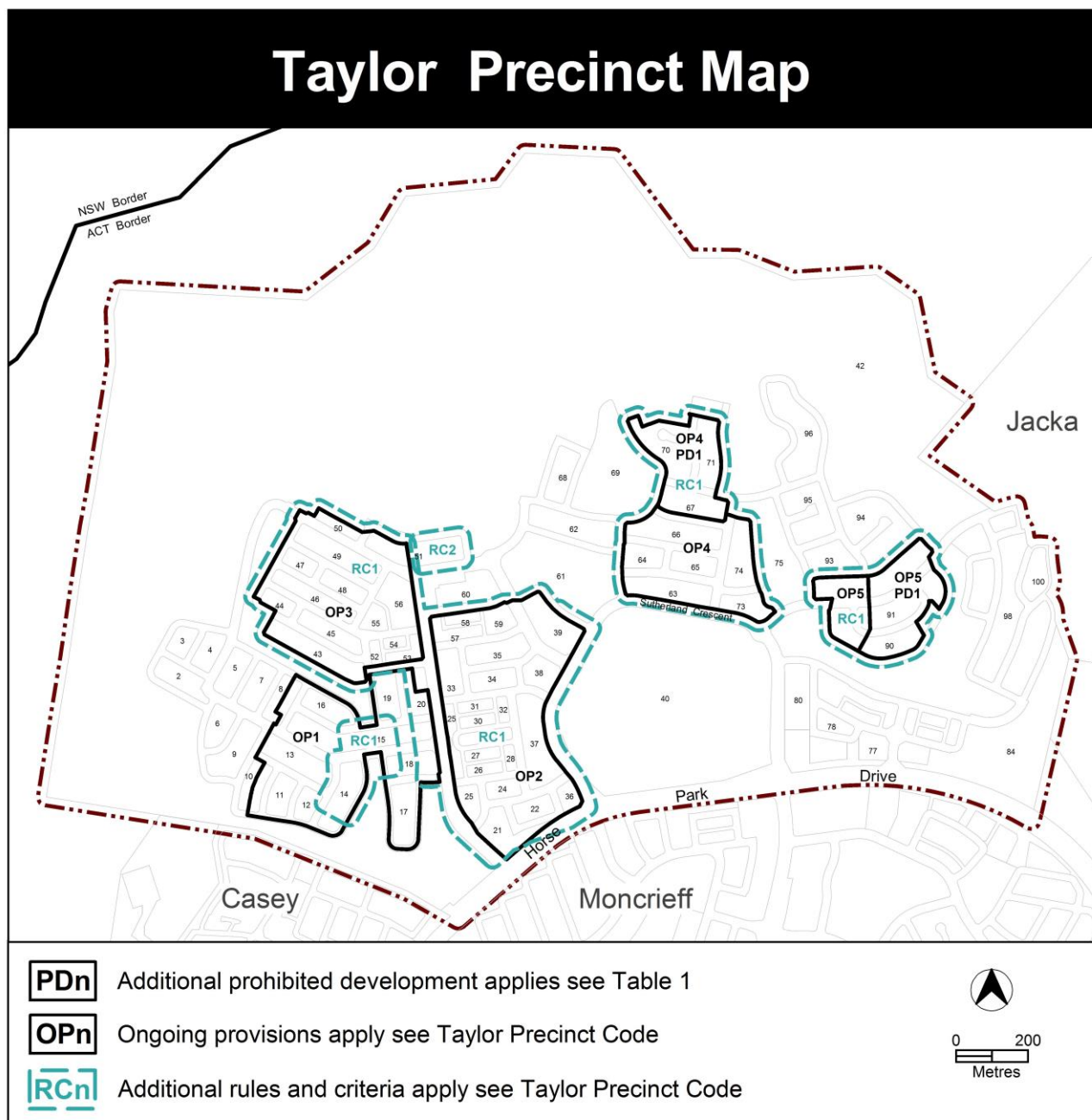
Variation to the Taylor Precinct Map and Code

The Taylor Precinct Map and Code is varied to incorporate rules and criteria and ongoing block specific provisions that are consistent with the approved estate development plan.

2.2.1 Taylor Precinct Map

Existing





2.2.2 Taylor Precinct Code

This technical amendment inserts additional rules and criteria, ongoing provisions, and related figures (3, 4, 5, 6, 8, 9, 10, and 11) into the Taylor Precinct Code in Attachment A, for areas where the future urban area overlay is being removed (see 3.1 Territory Plan Map below).

The following provisions are to be added:

Assessment Tracks

The following table identifies additional prohibited development for blocks and parcels shown in the Taylor Precinct Map (identified as PDn).

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

Table 1 – Additional prohibited development

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	RZ3	<i>subdivision</i>

RC1 – Taylor Residential

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

Element 1: Building and site controls

Rules	Criteria
1.4 Principle private open space	
R4 This rule applies to blocks or parcels in locations identified in Figures 4 and 5. Principal private open space is to be provided in accordance with residential RZ1 suburban zone requirements.	 This is a mandatory requirement. There is no applicable criterion.
1.5 Consolidation	
R5 This rule applies to blocks or parcels in locations identified in Figures 4 and 5. Consolidation complies with rule R36 of the Residential Zones Development Code.	 This is a mandatory requirement. There is no applicable criterion.

RC2 – Taylor Commercial

This part applies to blocks and parcels identified in area RC2 shown on the Taylor Precinct Map.

Element 2: Building and site controls

Rules	Criteria
2.1 Gross floor area	
<p>R6</p> <p>This rule applies to blocks or parcels in locations identified in Figure 6.</p> <p><i>A SHOP, excluding supermarket, is limited to a maximum gross floor area of 500m².</i></p> <p><i>A supermarket is limited to a maximum gross floor area of 200m².</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.2 Vehicular access	
<p>R7</p> <p>This rule applies to blocks or parcels in locations identified in Figure 6.</p> <p>Vehicular access is not permitted to or from blocks where indicated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.3 Courtyard walls	
<p>R8</p> <p>This rule applies to blocks or parcels in locations identified in Figure 6.</p> <p>Courtyard walls are permitted to zero setback for the nominated boundary. The length of the wall can extend along the boundary up to the minimum setback of any street frontage.</p> <p>Note: See Diagram 1 for an elevation of a typical courtyard wall.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

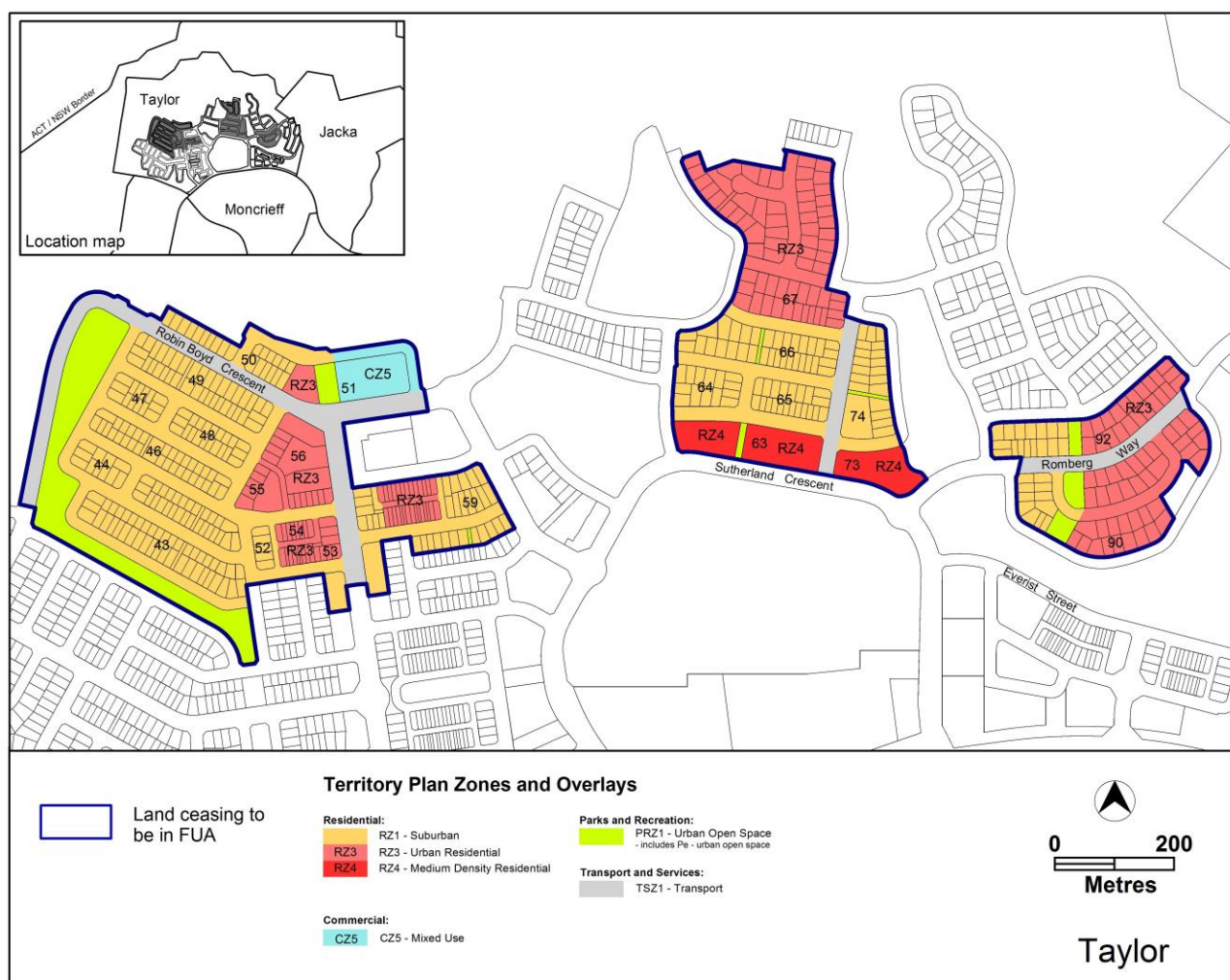
3. TECHNICAL AMENDMENT

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

3.1 Territory Plan Map

1. Territory Plan Map

The Territory Plan map is varied as indicated below to identify the zone that applies to the land ceasing to be in a future urban area.



3.2 Taylor Precinct Map and Code

2. Taylor Precinct Map and Code

Substitute with Attachment A

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-għajjnuna 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 telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

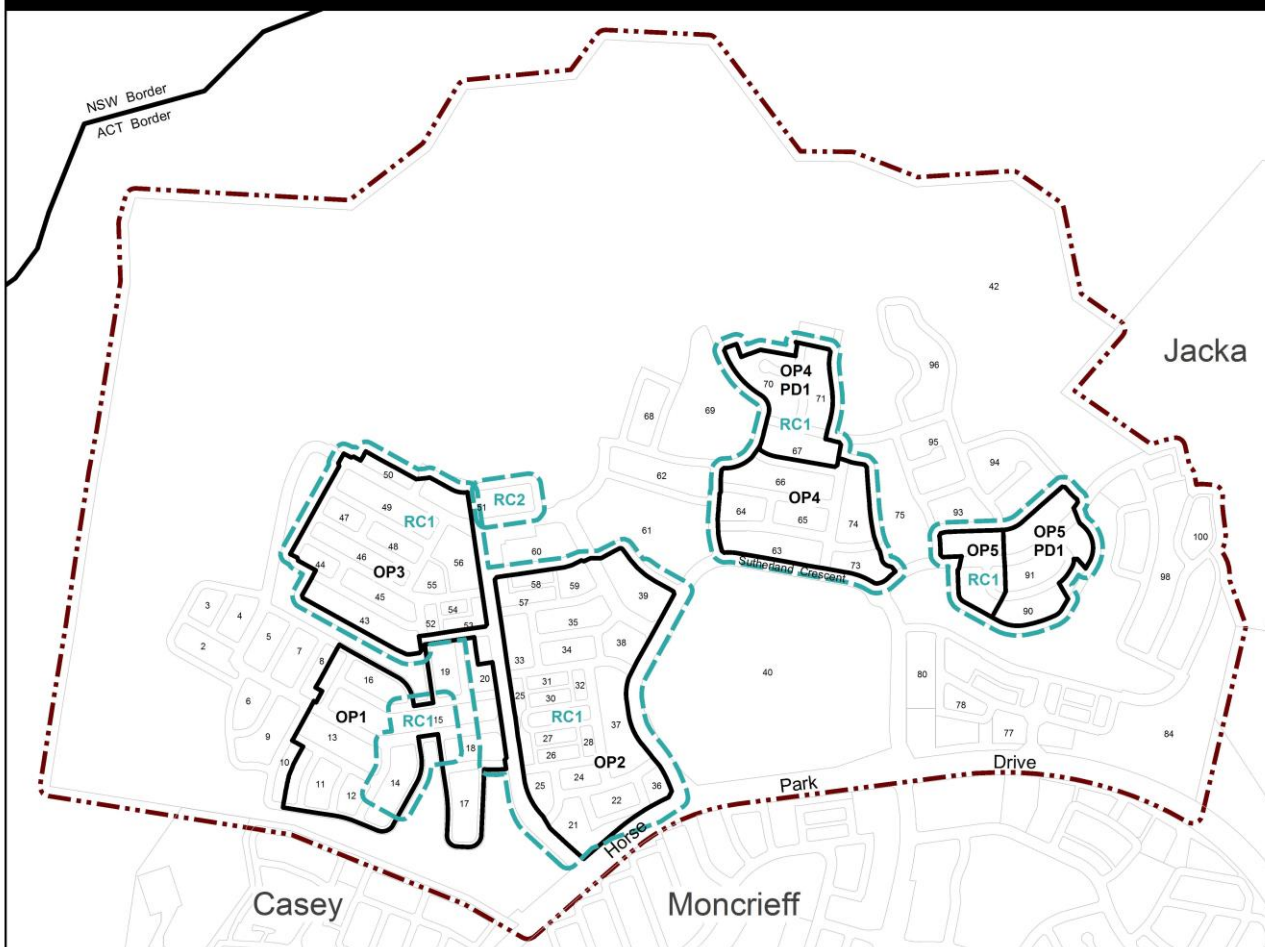
131 450

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

Taylor Precinct Map and Code

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Taylor Precinct Map



- PDn** Additional prohibited development applies see Table 1
- OPn** Ongoing provisions apply see Taylor Precinct Code
- RCn** Additional rules and criteria apply see Taylor Precinct Code



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Metres

Assessment Tracks

The following table identifies additional prohibited development for blocks and parcels shown in the Taylor Precinct Map (identified as PDn).

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

Table 1 – Additional prohibited development

Additional prohibited development		
Suburb precinct map label	Zone	Development
PD1	RZ3	<i>subdivision</i>

Taylor Precinct Code

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Introduction

Name

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

Application

The code applies to the Division of Taylor.

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” are 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

EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
EPSDD	ACT Environment, Planning and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TCCS	ACT Transport Canberra and City Services

Additional rules and criteria

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

RC1 – Taylor Residential

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

Element 1: Building and site controls

Rules	Criteria
1.1 Courtyard walls	
<p>R1</p> <p>This rule applies to blocks or parcels in locations identified in Figures 1, 2, 3, 4 and 5.</p> <p>Courtyard walls are permitted to zero setback for the nominated boundary. The length of the wall can extend along the boundary up to the minimum setback of any street frontage.</p> <p>Note: See Diagram 1 for an elevation of a typical courtyard wall.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.2 Vehicular access	
<p>R2</p> <p>This rule applies to blocks or parcels in locations identified in Figures 2, 3, 4 and 5.</p> <p>Vehicular access is not permitted to or from blocks where indicated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.3 Waste	
<p>R3</p> <p>This rule applies to blocks or parcels in locations identified in Figure 2.</p> <p>Notwithstanding that the identified blocks may contain 10 or less dwellings, for the purposes of C94 and R99 of the Multi Unit Housing Development Code, waste will be collected within the property boundary.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
1.4 Principle private open space	
<p>R4</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4 and 5.</p> <p>Principal private open space is to be provided in accordance with residential RZ1 suburban zone requirements.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.5 Consolidation	
<p>R5</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4 and 5.</p> <p>Consolidation complies with rule R36 of the Residential Zones Development Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

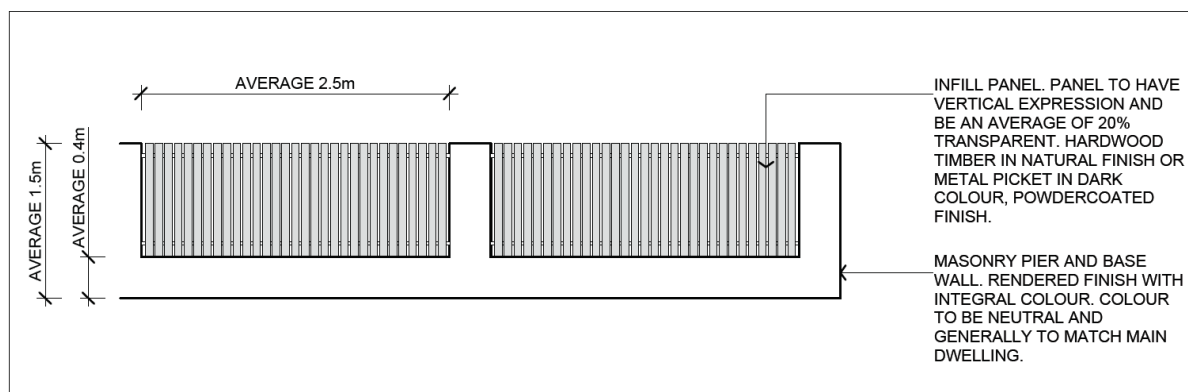


Diagram 1 Elevation of courtyard wall



Figure 1 Taylor residential area 1

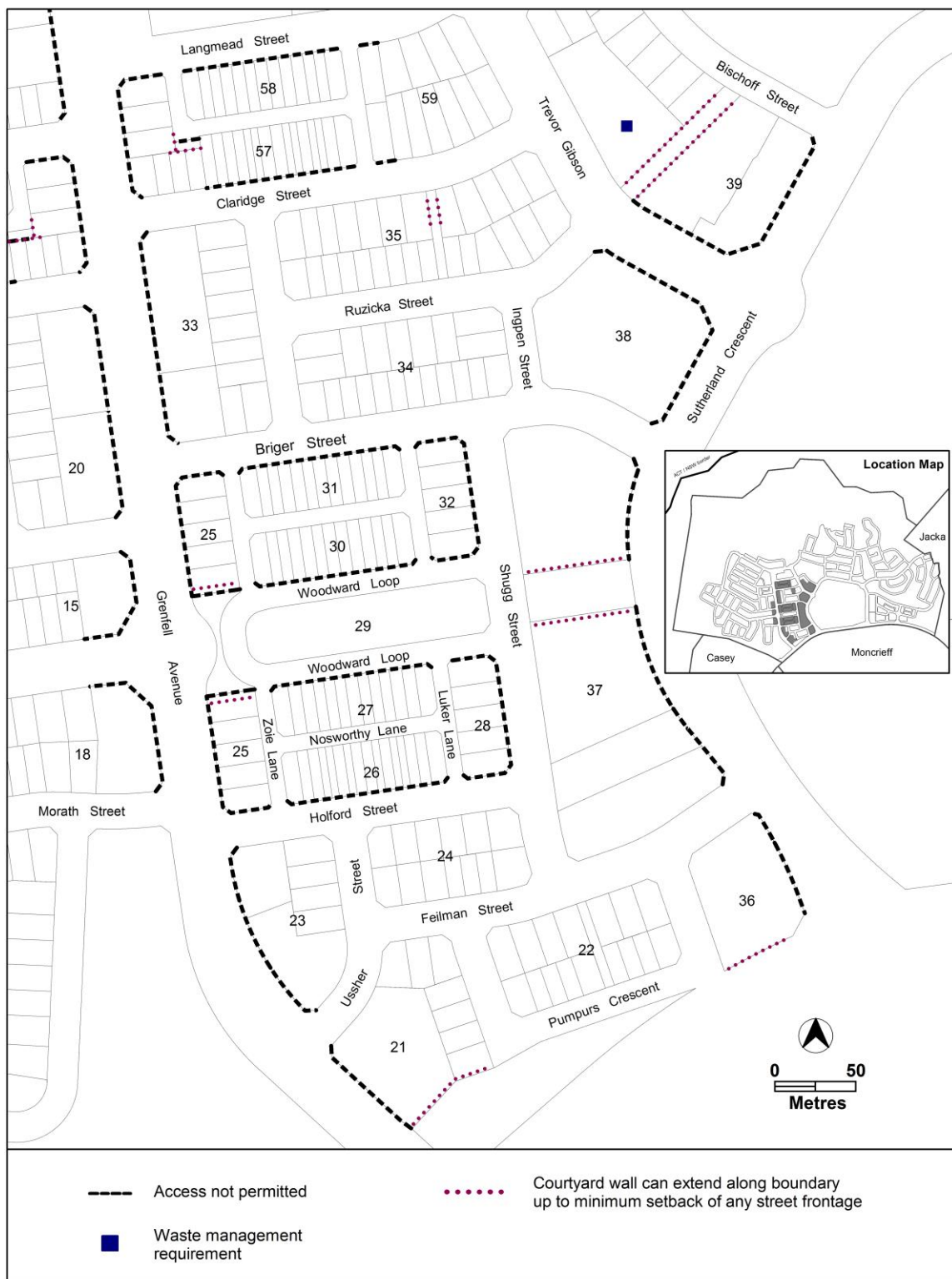


Figure 2 Taylor residential area 2



Figure 3 Taylor residential area 3

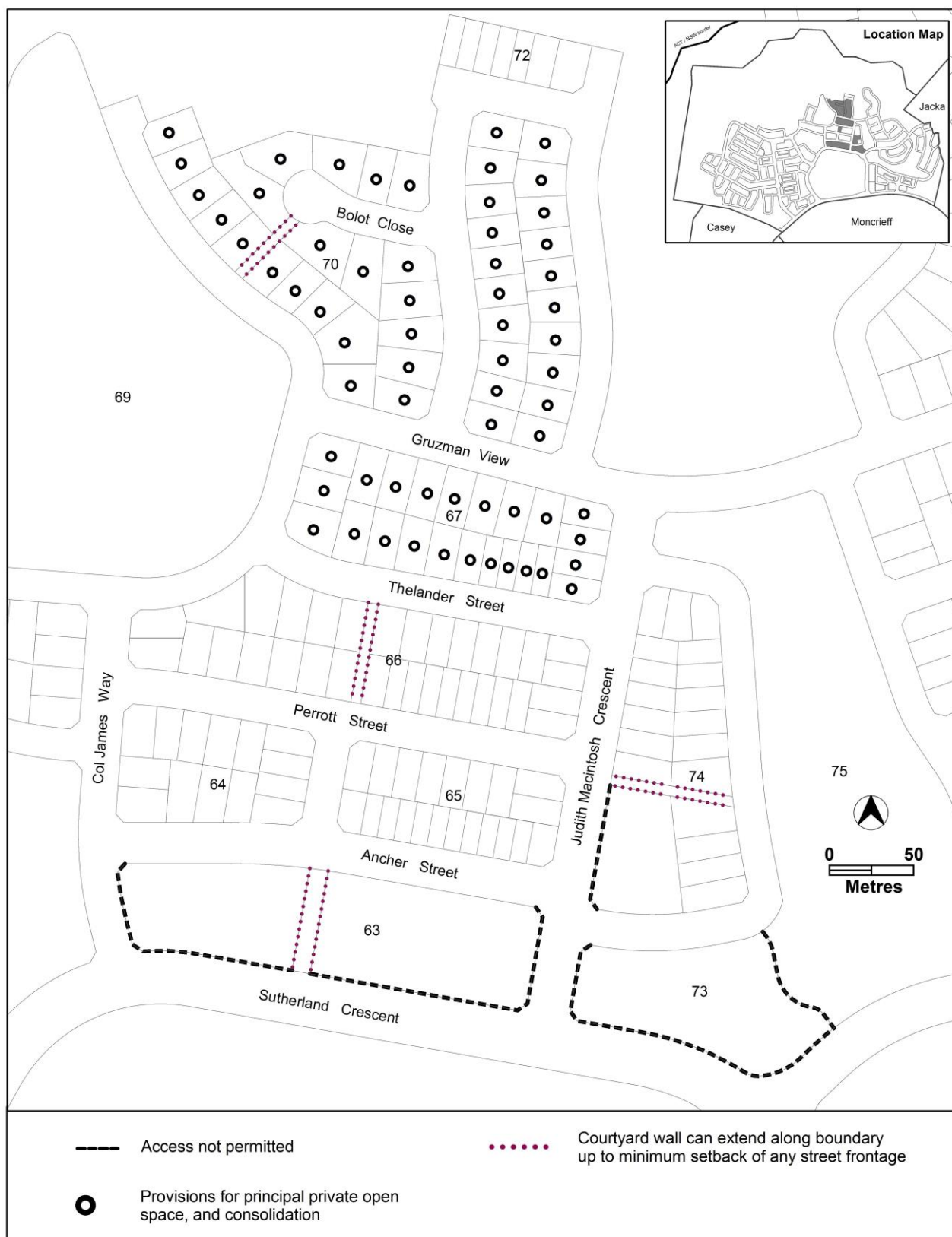


Figure 4 Taylor residential area 4

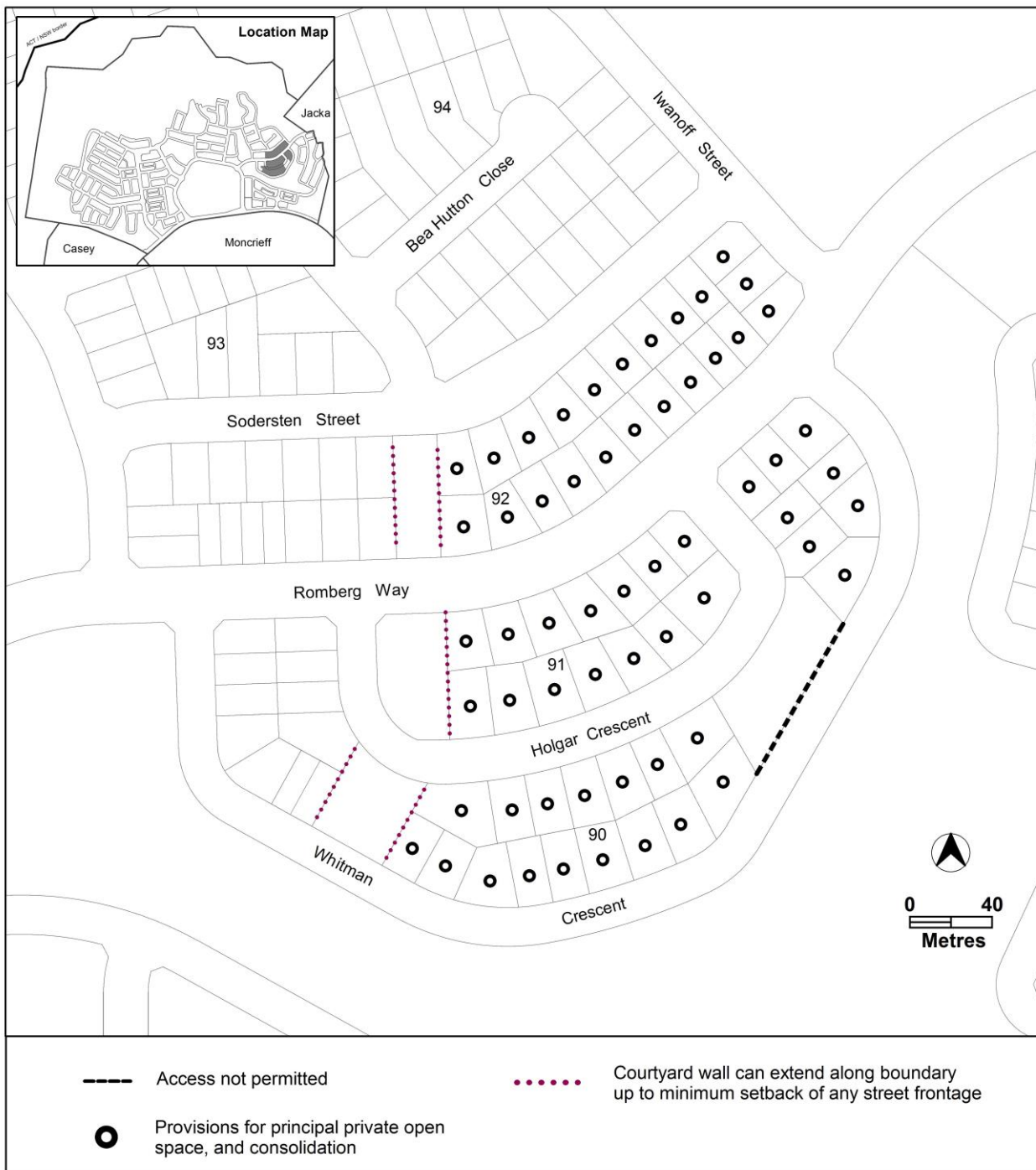


Figure 5 Taylor residential area 5

RC2 – Taylor Commercial

This part applies to blocks and parcels identified in area RC2 shown on the Taylor Precinct Map.

Element 2: Building and site controls

Rules	Criteria
2.1 Gross floor area	
<p>R6</p> <p>This rule applies to blocks or parcels in locations identified in Figure 6.</p> <p>A <i>SHOP</i>, excluding <i>supermarket</i>, is limited to a maximum <i>gross floor area</i> of 500m².</p> <p>A <i>supermarket</i> is limited to a maximum <i>gross floor area</i> of 200m².</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.2 Vehicular access	
<p>R7</p> <p>This rule applies to blocks or parcels in locations identified in Figure 6.</p> <p>Vehicular access is not permitted to or from blocks where indicated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.3 Courtyard walls	
<p>R8</p> <p>This rule applies to blocks or parcels in locations identified in Figure 6.</p> <p>Courtyard walls are permitted to zero setback for the nominated boundary. The length of the wall can extend along the boundary up to the minimum setback of any street frontage.</p> <p>Note: See Diagram 1 for an elevation of a typical courtyard wall.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

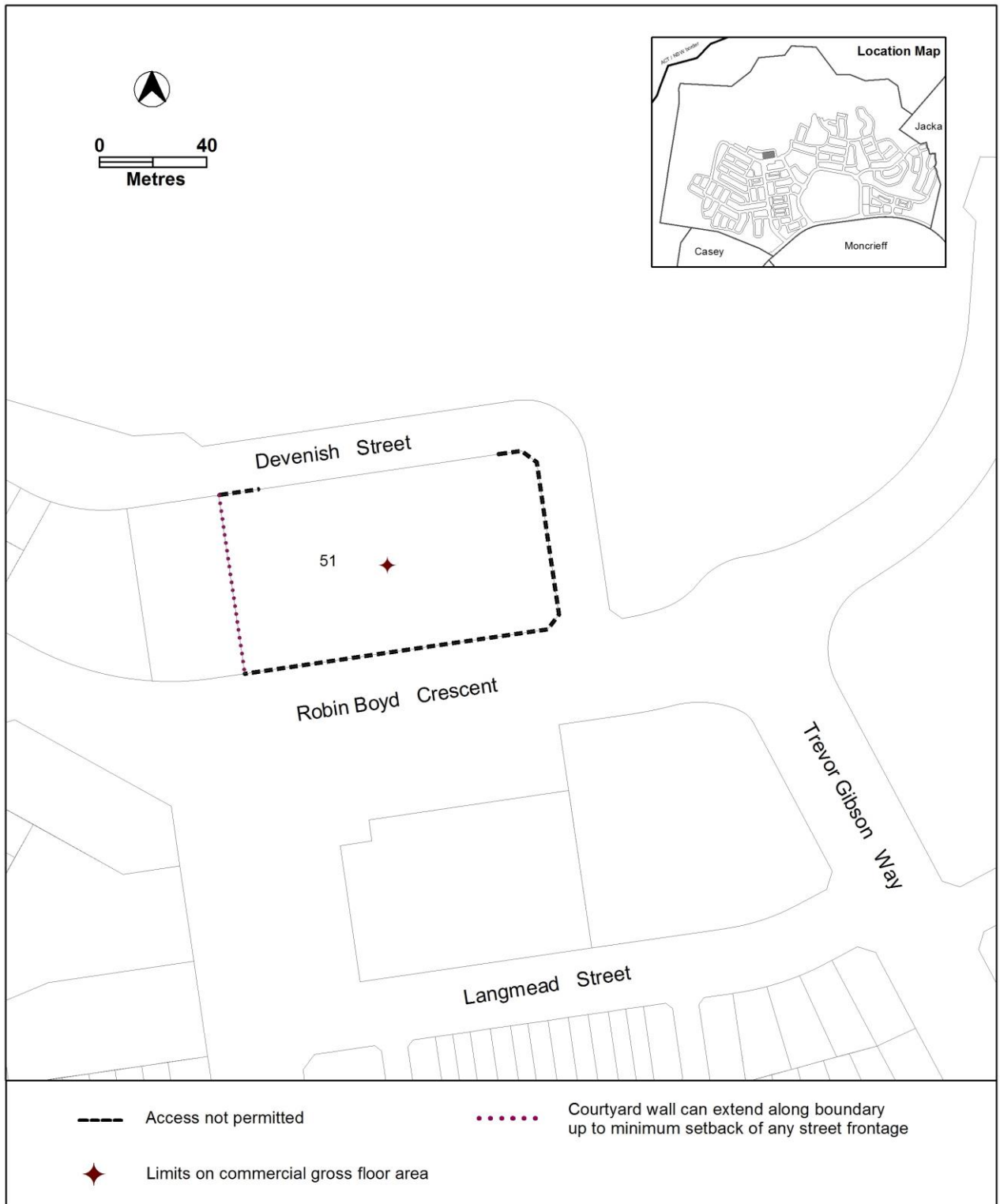


Figure 6 Taylor commercial area 1

Other ongoing provisions

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

OP1 – Taylor residential area

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

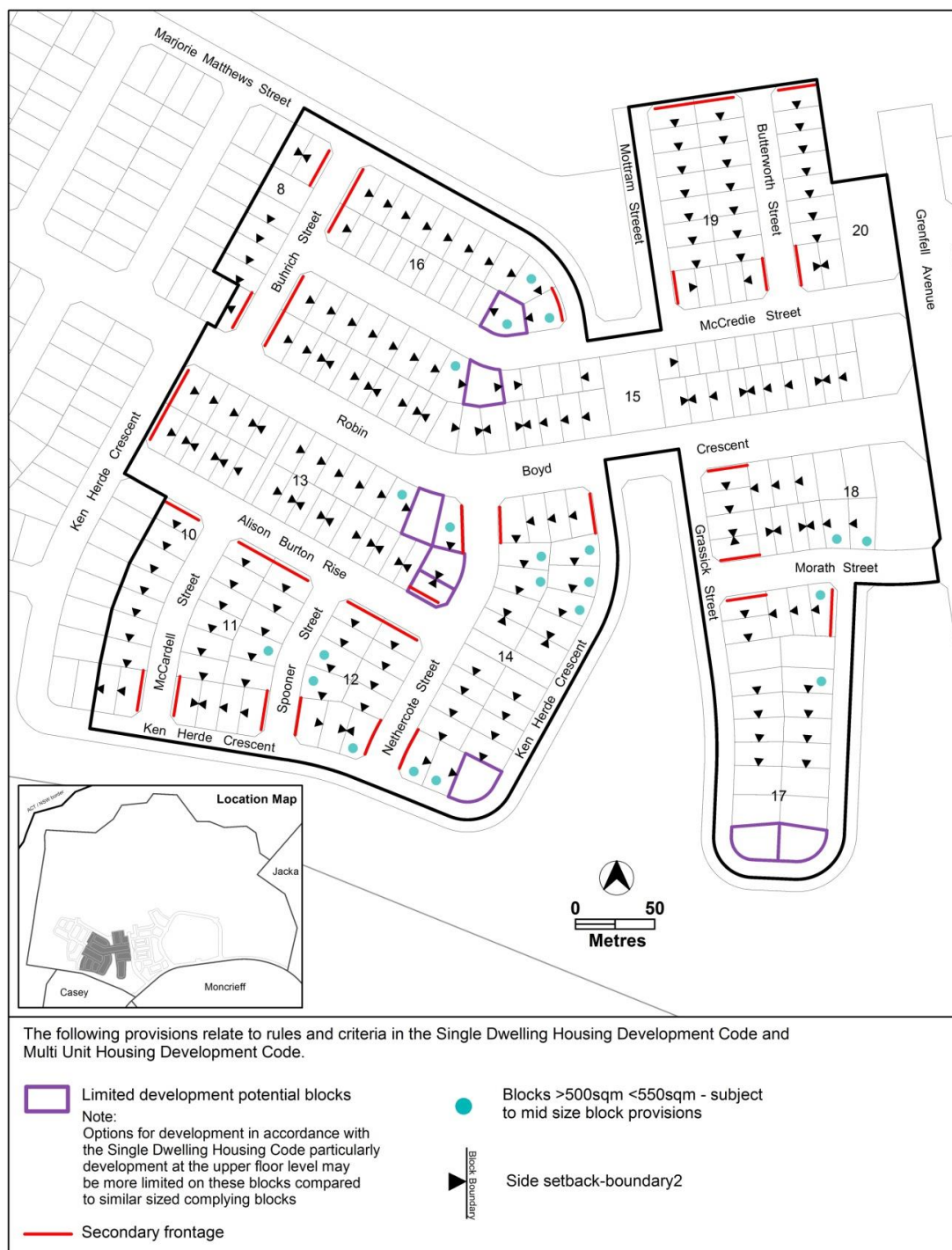


Figure 7 Taylor residential area ongoing provisions

OP2 – Taylor residential area

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

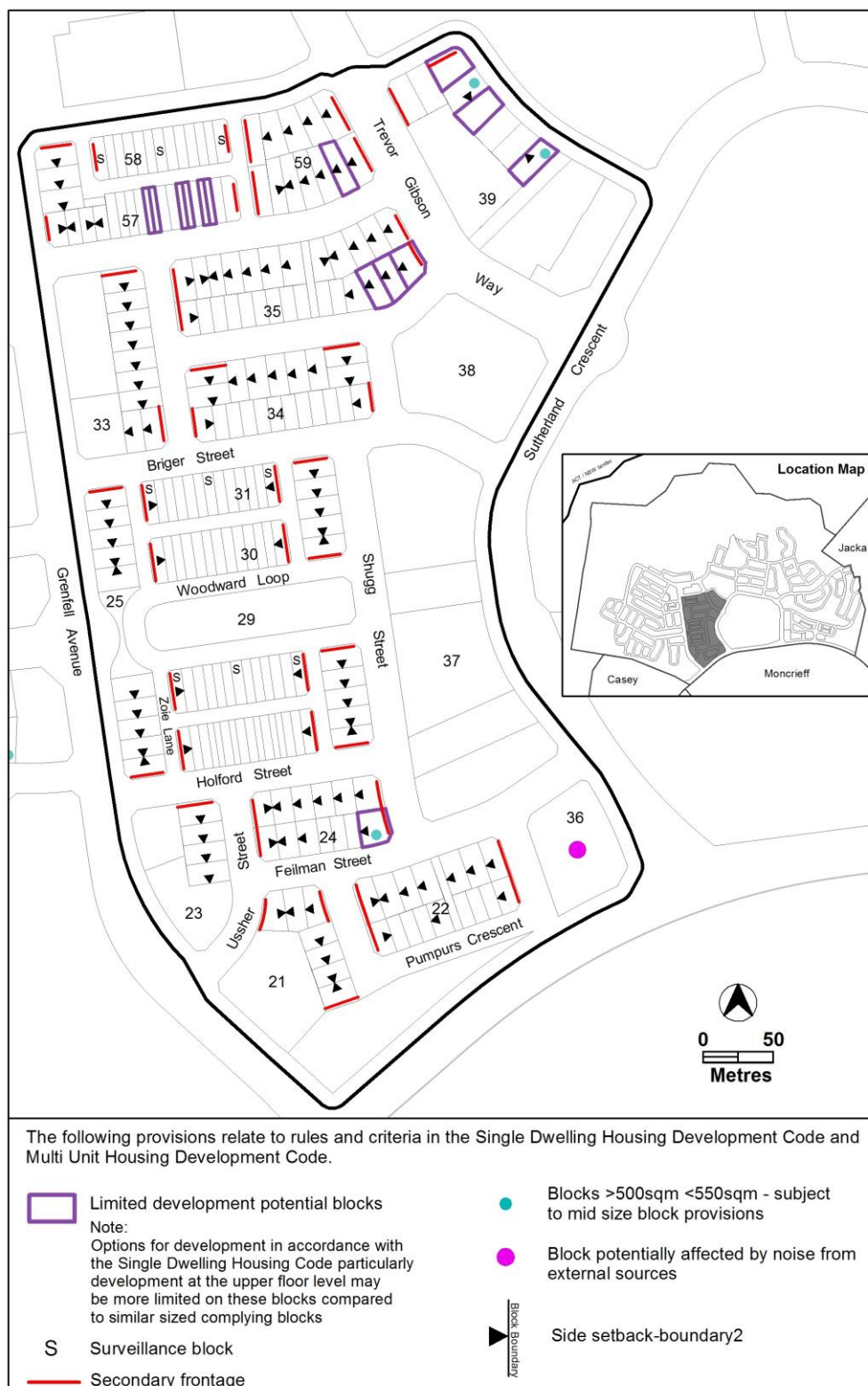


Figure 8 Taylor residential area ongoing provisions

OP3 – Taylor residential area

This part applies to blocks and parcels identified in area OP3 shown on the Taylor Precinct Map.

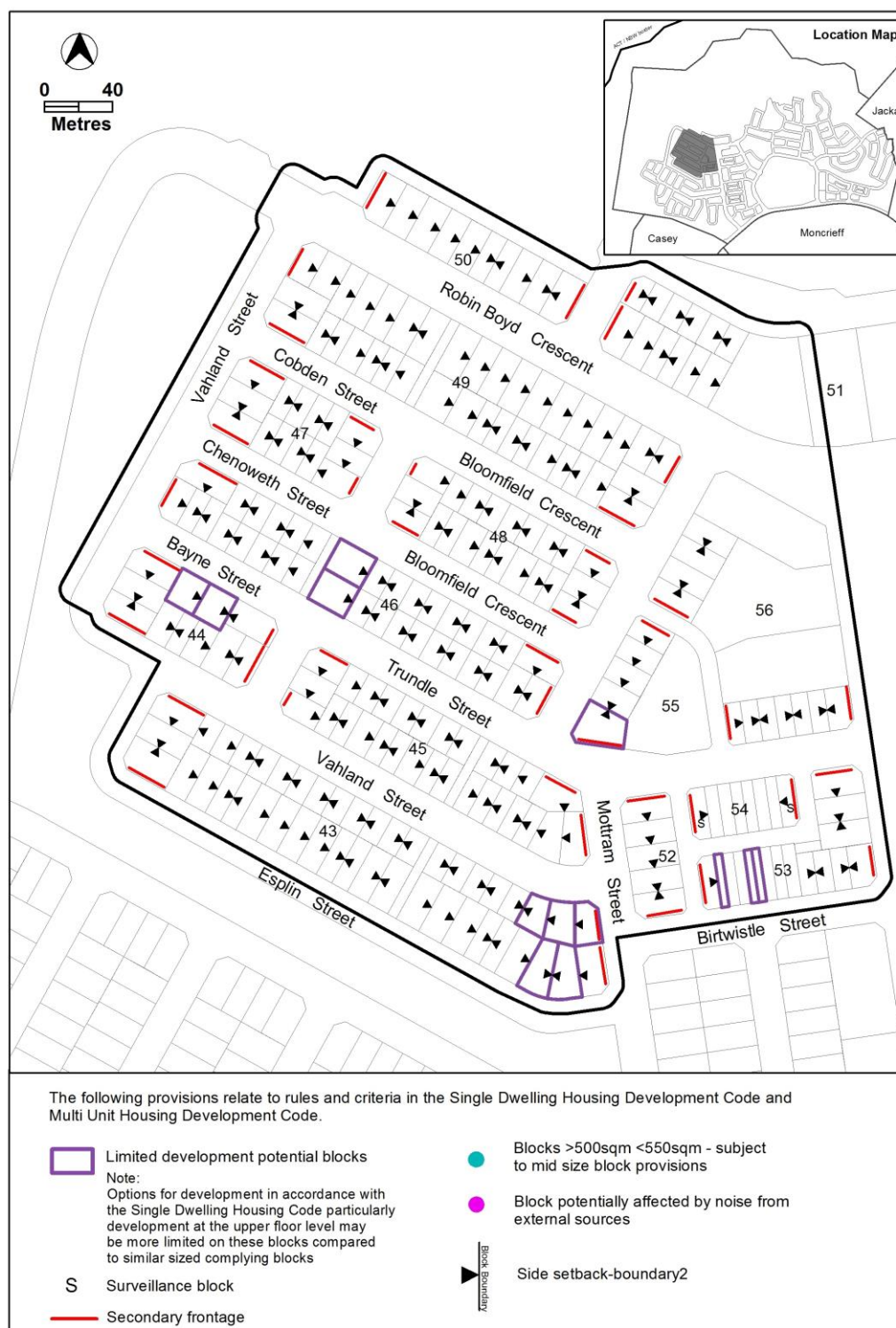


Figure 9 Taylor residential area ongoing provisions

OP4 – Taylor residential area

This part applies to blocks and parcels identified in area OP4 shown on the Taylor Precinct Map.

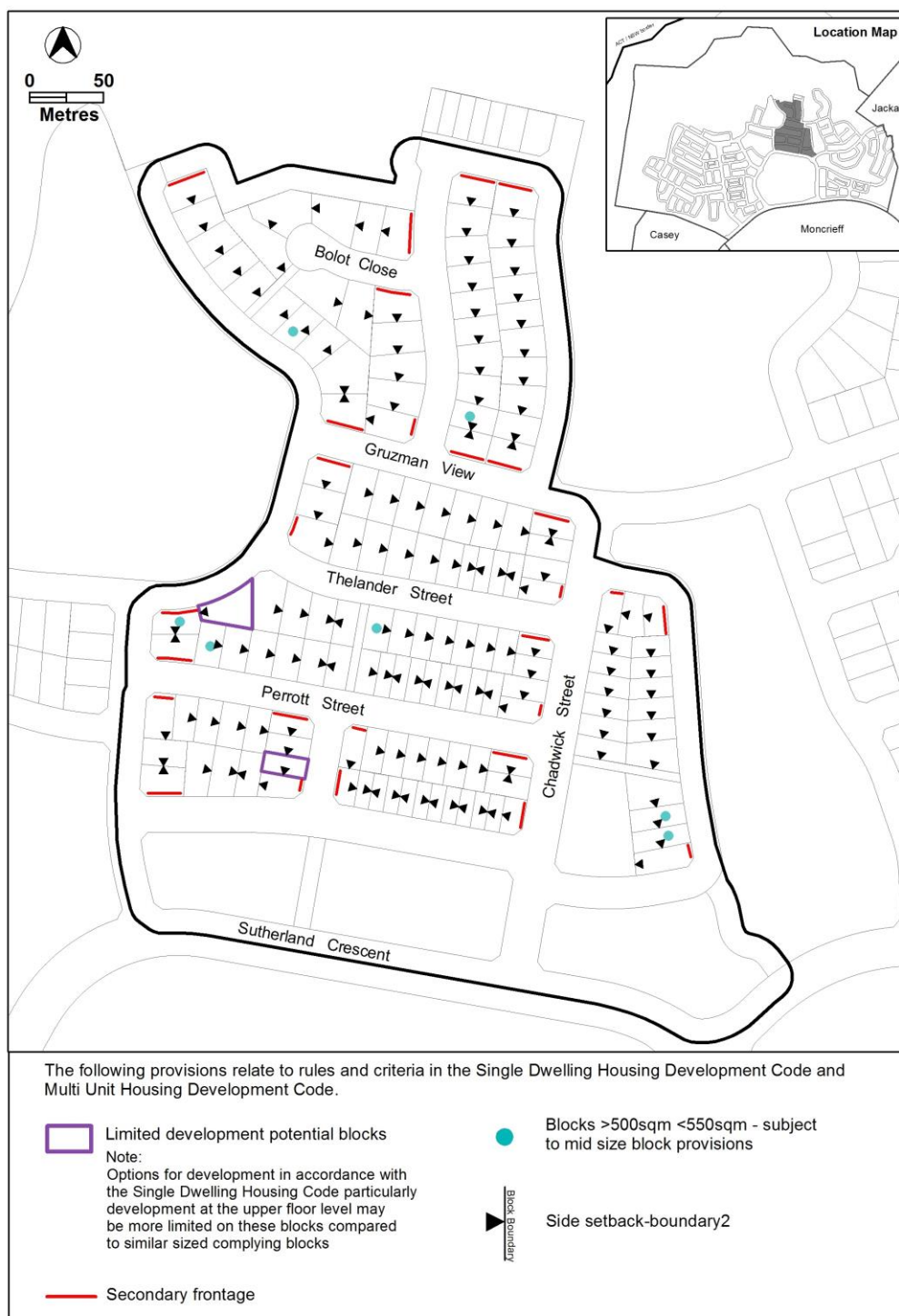


Figure 10 Taylor residential area ongoing provisions

OP5 – Taylor residential area

This part applies to blocks and parcels identified in area OP5 shown on the Taylor Precinct Map.

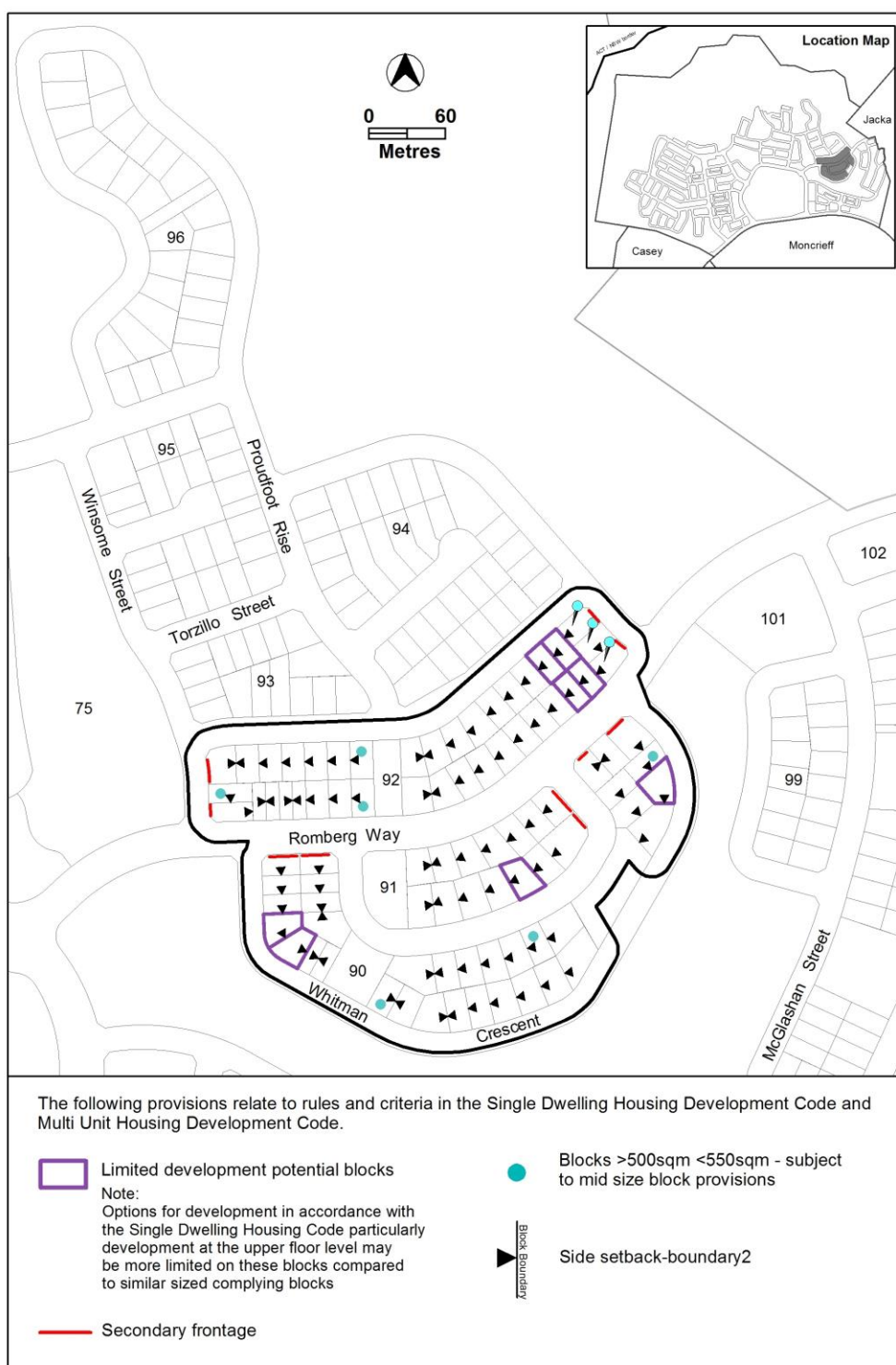


Figure 11 Taylor residential area ongoing provisions