

Planning and Development (Technical Amendment—Strathnairn) Plan Variation 2019 (No 2)

Notifiable instrument NI2019—496

Technical Amendment No 2019-10

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—Strathnairn) Plan Variation 2019 (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 Strathnairn plan variation is a technical amendment to the Territory Plan.

4 Meaning of *Strathnairn plan variation*

In this instrument:

Strathnairn plan variation means the technical amendment to the Territory Plan, variation 2019-10, in the schedule.

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

Kathy Cusack
Delegate of the planning and land authority
30 July 2019



Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2019-10

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

August 2019

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Table of Contents

| | | |
|-----|---|----|
| 1. | INTRODUCTION | 5 |
| 1.1 | Purpose..... | 5 |
| 1.2 | Public consultation | 5 |
| 1.3 | National Capital Authority..... | 5 |
| 1.4 | Process | 5 |
| 1.5 | Types of technical amendments under the Act | 6 |
| 2. | EXPLANATION..... | 7 |
| 2.1 | Territory Plan Map | 7 |
| 2.2 | Strathnairn Precinct Map and Code | 9 |
| 3. | TECHNICAL AMENDMENT..... | 12 |
| 3.1 | Territory Plan Map | 12 |
| 3.2 | Strathnairn Precinct Map and Code | 13 |

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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 Strathnairn, as identified in Part 2 of this document.

Strathnairn Precinct Map and Code

- The Strathnairn 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 above.

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.

TA2019-10 has been prepared in accordance with section 87 (1) (c).

2. EXPLANATION

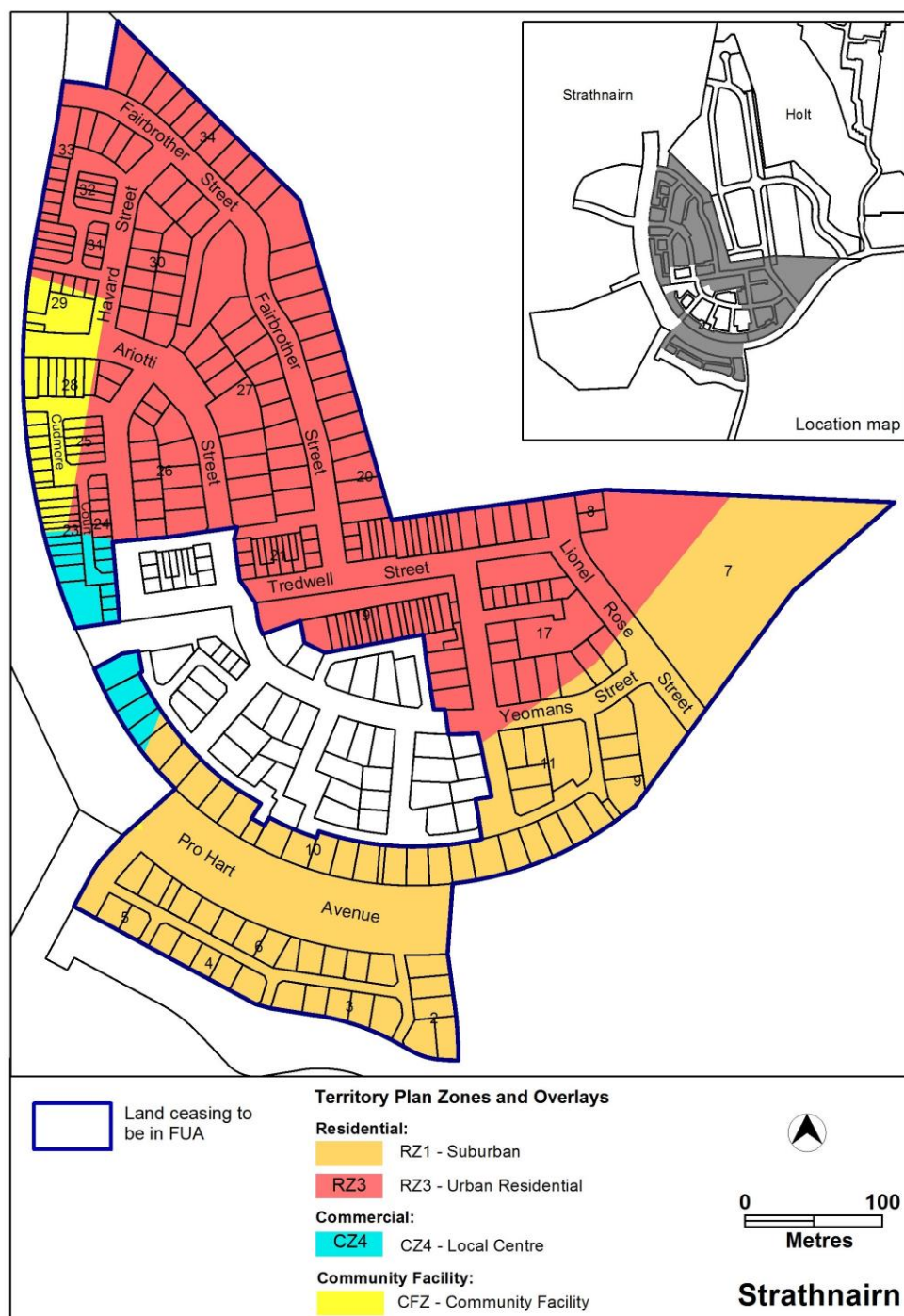
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

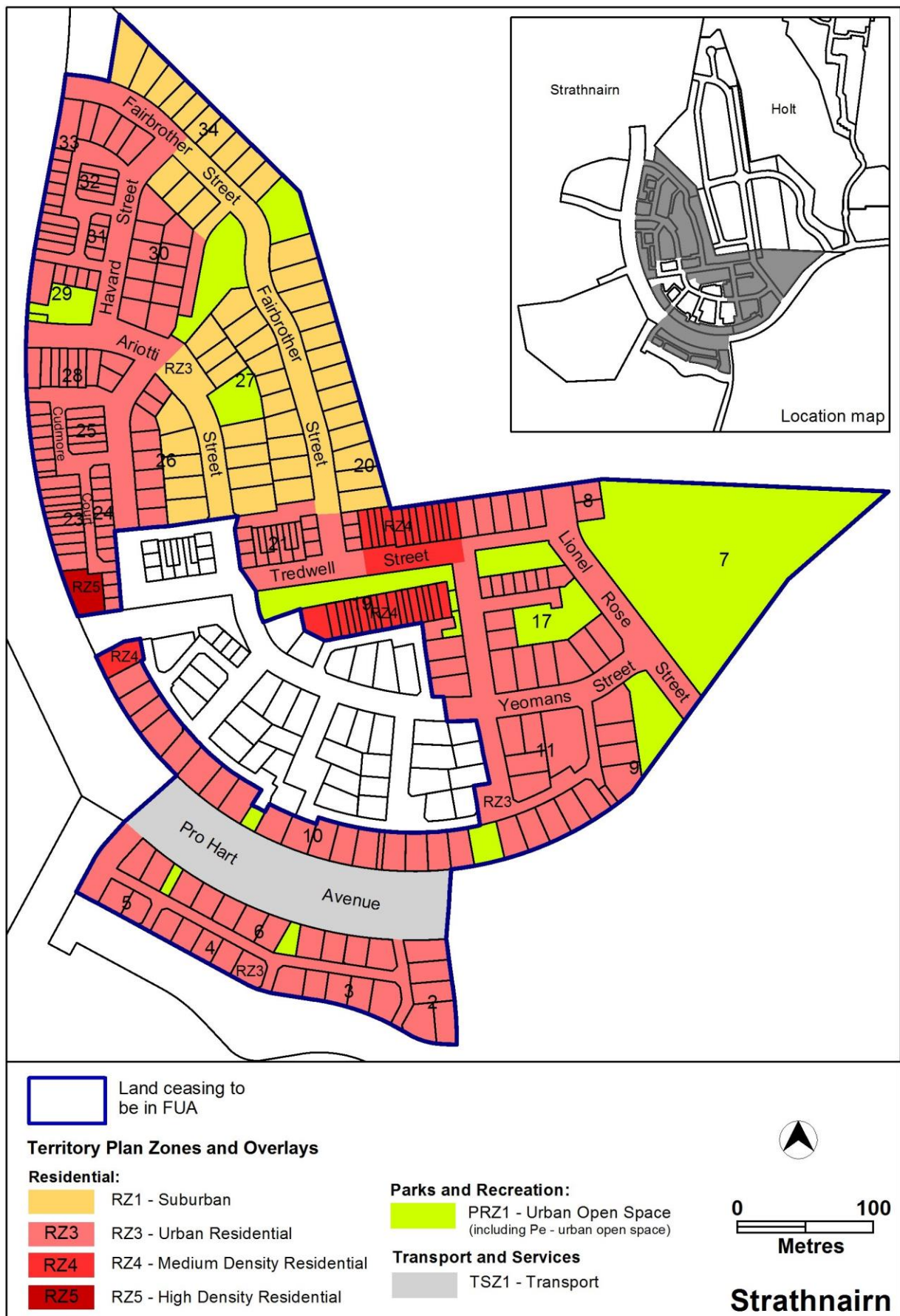
Variation to the Territory Plan

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



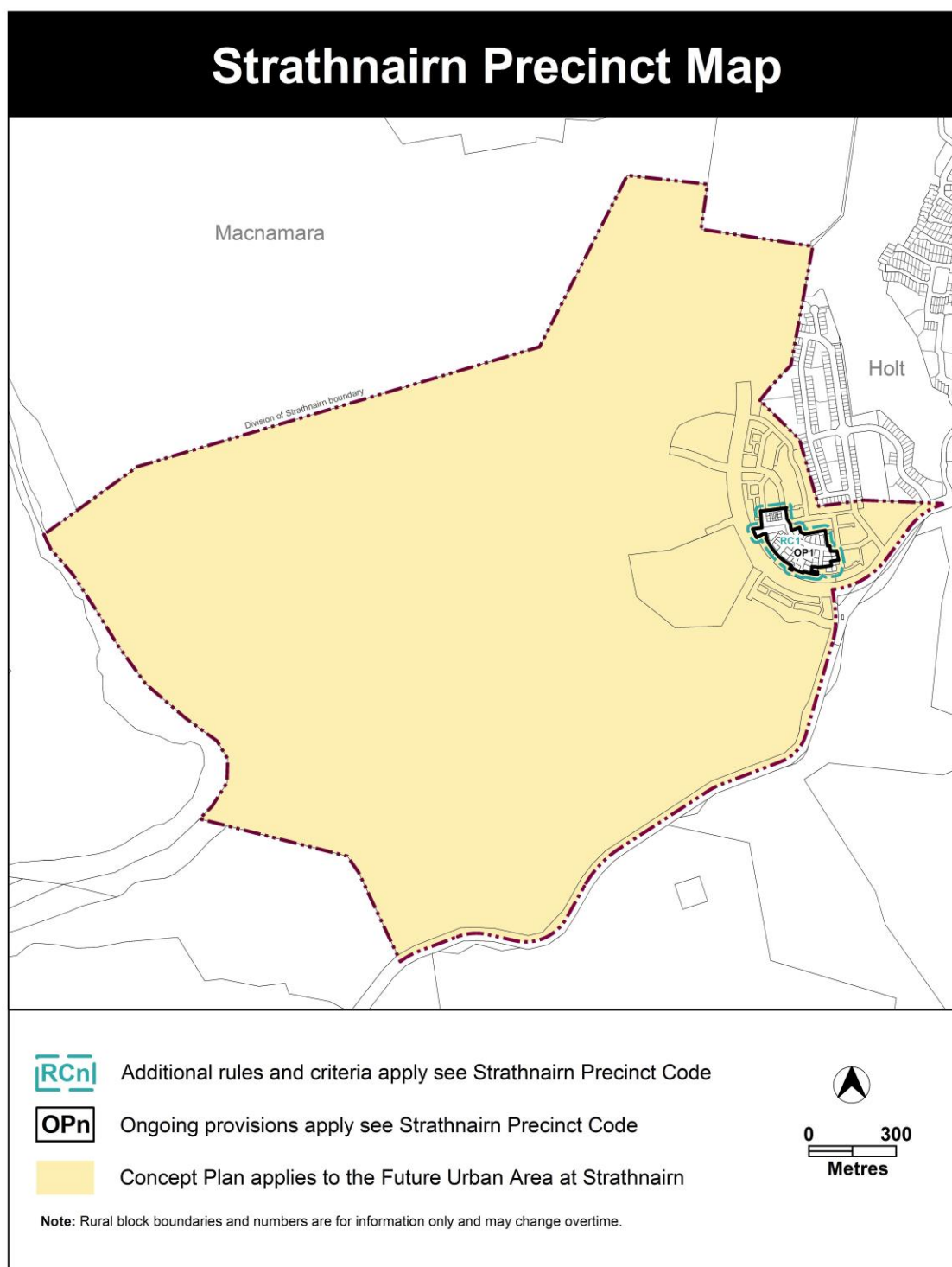
2.2 Strathnairn Precinct Map and Code

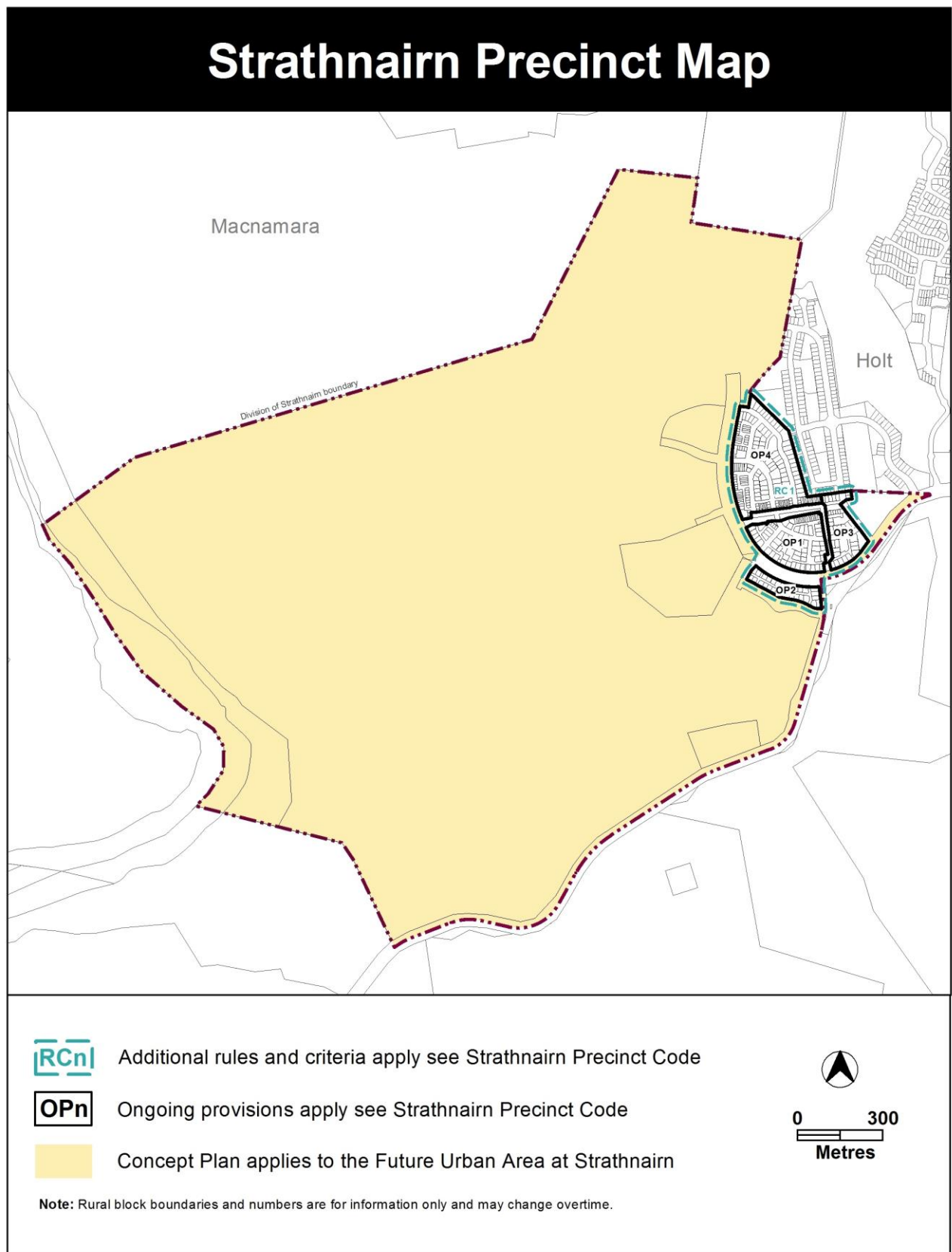
Variation to the Strathnairn Precinct Map and Code

The Strathnairn 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.

2.2.2 Strathnairn Precinct Map

Existing Strathnairn Precinct Map





2.2.2 Strathnairn Precinct Code

This technical amendment inserts additional rules and criteria, ongoing provisions, and related figures (3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14) into the Strathnairn Precinct Code in Appendix 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

RC1 – Residential area

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

Element 1: Building and site controls

| Rules | Criteria |
|---|---|
| 1.6 Gates | |
| <p>R7</p> <p>This rule applies to blocks or parcels in locations identified in Figures 3, 4, 6, 7 and 9.</p> <p>Access gate to open space is required</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

| | |
|--|---|
| 1.9 Side and Rear Setbacks | |
| <p>R10</p> <p>This rule applies to all blocks.</p> <p>Unless otherwise nominated in this precinct code, the following side and rear setbacks apply in accordance with tables in the Single Dwelling Housing Development Code:</p> <ul style="list-style-type: none">a) Large blocks to comply with Table 5b) Mid-sized blocks to comply with Tables 6A or 6B, as applicablec) Mid-sized blocks nominated for alternative side setbacks nominated in this precinct code comply with Table 6cd) Compact blocks to comply with Table 7 <p>In relation to the tables referred to in this rule, side boundary 1 and side boundary 2 are nominated by the applicant unless otherwise specified in the Single Dwelling Housing Development Code or this precinct code.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

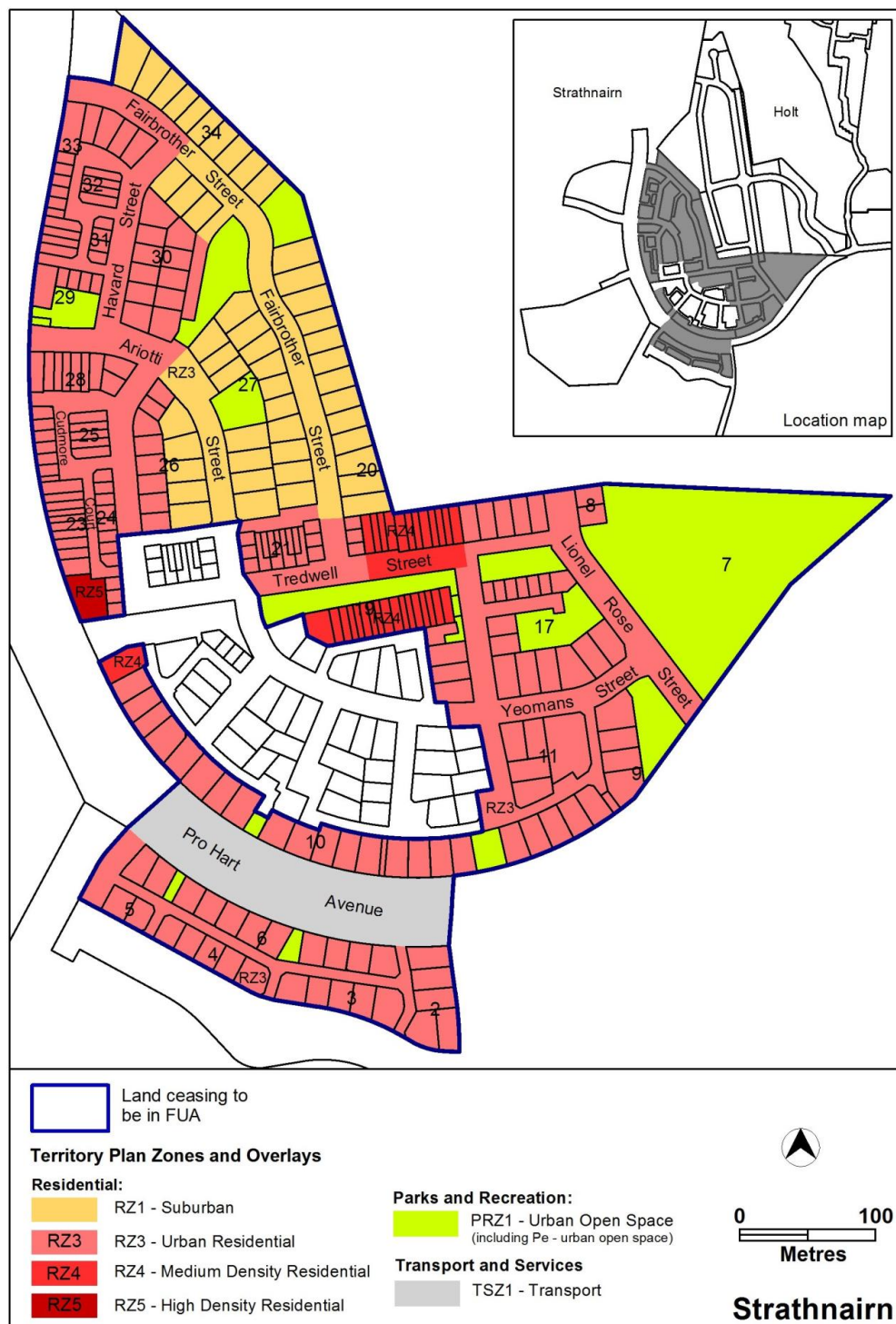
3. TECHNICAL AMENDMENT

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 zones that apply to the land ceasing to be in a future urban area.



3.2 Strathnairn Precinct Map and Code

| |
|--------------------------------------|
| 2. Strathnairn Precinct Map and Code |
|--------------------------------------|

Substitute with **Appendix A**



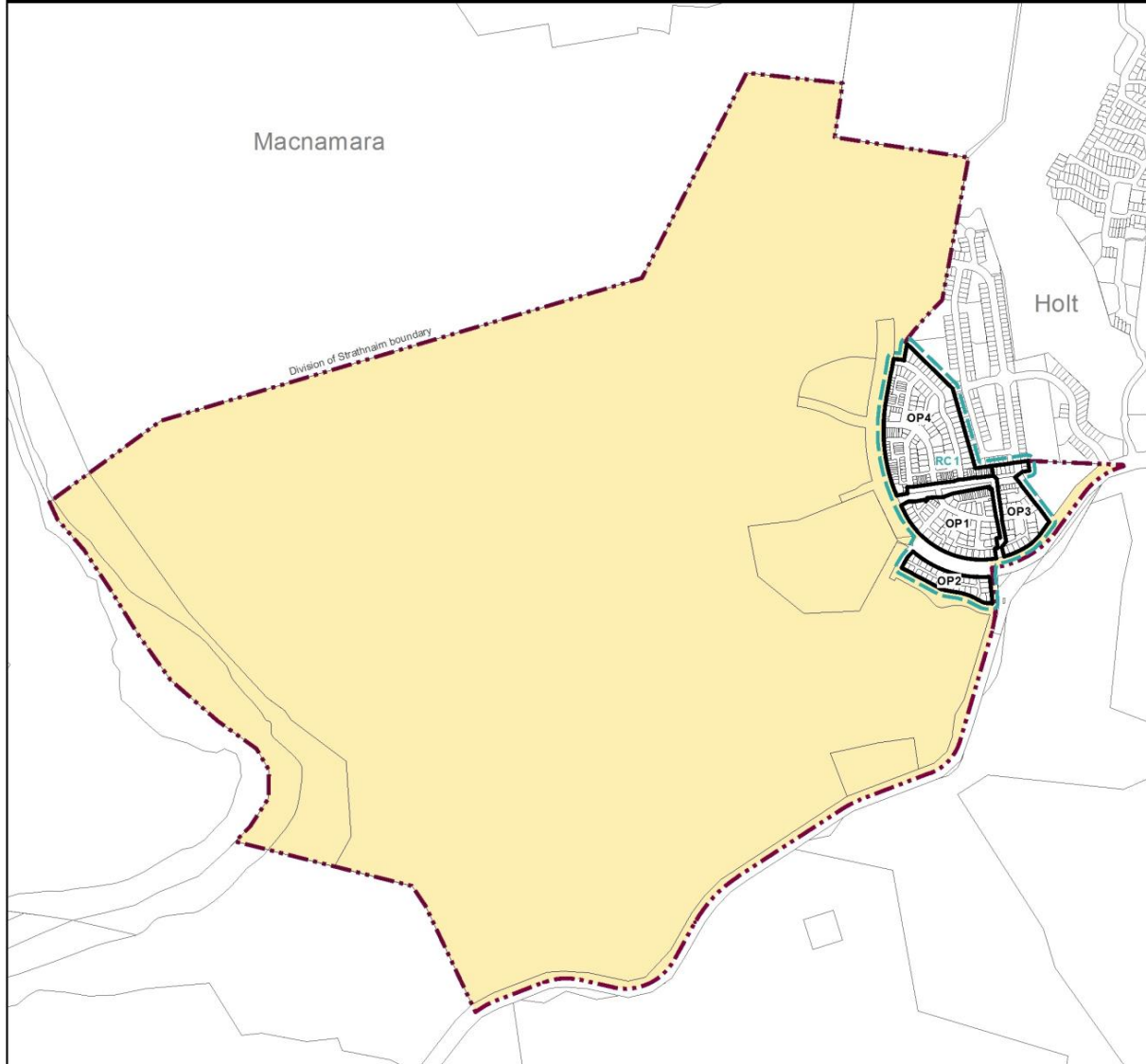
ACT
Government

Environment, Planning and
Sustainable Development

Appendix A

Strathnairn Precinct Map and Code

Strathnairn Precinct Map



Additional rules and criteria apply see Strathnairn Precinct Code



Ongoing provisions apply see Strathnairn Precinct Code



Concept Plan applies to the Future Urban Area at Strathnairn



0 300
Metres

Note: Rural block boundaries and numbers are for information only and may change overtime.

Strathnairn Precinct Code

Contents

| | |
|---|----|
| Introduction..... | 4 |
| Additional rules and criteria | 6 |
| RC1 – Residential area..... | 6 |
| Element 1: Building and site controls | 6 |
| 1.1 Setbacks | 6 |
| 1.2 Heights | 6 |
| 1.3 Walls | 6 |
| 1.4 Principal Private Open Space | 7 |
| 1.5 Parking..... | 7 |
| 1.6 Gates..... | 7 |
| 1.7 Fencing | 7 |
| 1.8 Building envelope provisions | 8 |
| 1.9 Side and Rear Setbacks | 8 |
| Element 2: Water sensitive urban design | 9 |
| 2.1 Water tank requirements..... | 9 |
| Element 3: Home business provisions | 9 |
| 3.1 Home business | 9 |
| Other ongoing provisions..... | 20 |
| OP1 – Strathnairn residential area..... | 20 |
| OP2 – Strathnairn residential area..... | 21 |
| OP3 – Strathnairn residential area..... | 22 |
| OP4 – Strathnairn residential area..... | 23 |

Figures

| | |
|---|----|
| Figure 1 Fencing controls for mid-size / large corner blocks..... | 10 |
| Figure 2 Strathnairn fencing controls | 11 |
| Figure 3 Strathnairn residential area 1 | 12 |
| Figure 4 Strathnairn residential area 2..... | 13 |
| Figure 5 Strathnairn residential area 3..... | 14 |
| Figure 6 Strathnairn residential area 4..... | 15 |
| Figure 7 Strathnairn residential area 5..... | 16 |
| Figure 8 Strathnairn residential area 6..... | 17 |
| Figure 9 Strathnairn residential area 7 | 18 |
| Figure 10 Strathnairn residential area 8..... | 19 |
| Figure 11 Strathnairn residential area ongoing provisions | 20 |
| Figure 12 Strathnairn residential area ongoing provisions | 21 |
| Figure 13 Strathnairn residential area ongoing provisions | 22 |
| Figure 14 Strathnairn residential area ongoing provisions | 23 |

Introduction

Name

The name of this code is **Strathnairn Precinct Code**.

Application

The code applies to the Division of Strathnairn.

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

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

Additional rules and criteria

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

RC1 – Residential area

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

Element 1: Building and site controls

| Rules | Criteria |
|---|--|
| 1.1 Setbacks | |
| R1 This rule applies to blocks or parcels in locations identified in Figures 3, 4, 5, 6, 7, 8, 9 and 10. Minimum boundary setbacks to <i>lower floor level</i> and/ or <i>upper floor level</i> are nominated. | This is a mandatory requirement. There is no applicable criterion. |
| R2 This rule applies to blocks or parcels in locations identified in Figures 3, 4, 5, 6, 7, 8, and 9. Minimum setback to garage/ carport/ surveillance unit is nominated. | This is a mandatory requirement. There is no applicable criterion. |
| 1.2 Heights | |
| R3 This rule applies to blocks or parcels in locations identified in Figures 3, 4, 5, 6, 7, 8, and 9. The mandatory number of storeys is nominated. | This is a mandatory requirement. There is no applicable criterion. |
| 1.3 Walls | |
| R4 This rule applies to blocks or parcels in locations identified in Figures 3, 6, 8, 9 and 10. Maximum length of wall at nominated setback cannot exceed nominated length. | This is a mandatory requirement. There is no applicable criterion. |

| 1.4 Principal Private Open Space | |
|--|---|
| <p>R5</p> <p>This rule applies to blocks or parcels in locations identified in Figures 3, 8, 9 and 10.</p> <p>The minimum dimensions of <i>principal private open space</i> are nominated.</p> <p>At least one area of <i>principal private open space</i> on the block complies with all of the following:</p> <ol style="list-style-type: none"> directly accessible from, and adjacent to, a habitable room other than a bedroom screened from adjoining public streets and public open space located behind the building line, except where enclosed by a courtyard wall is not located to the south, south-east or south-west of the dwelling, unless it achieves not less than 3 hours of direct sunlight onto 50% of the minimum principal private open space area between the hours of 9am and 3pm on the winter solstice (21 June). | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| 1.5 Parking | |
| <p>R6</p> <p>This rule applies to blocks or parcels in locations identified in Figures 3, 4, 8 and 10.</p> <p>One onsite parking space only is required.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| 1.6 Gates | |
| <p>R7</p> <p>This rule applies to blocks or parcels in locations identified in Figures 3, 4, 6, 7 and 9.</p> <p>Access gate to open space is required</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| 1.7 Fencing | |
| <p>R8</p> <p>This rule applies to blocks or parcels in locations identified in Figure 2 only where courtyard walls and fences are forward of the building line.</p> <p>Materials are to be a combination of solid and semi-transparent elements as follows:</p> <ul style="list-style-type: none"> Masonry or stonework | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

| Rules | Criteria |
|---|---|
| <ul style="list-style-type: none"> If over 600mm in height to include infill panels that are semi-transparent using materials such as dressed hardwood timber or powder coated aluminium slats (openings to be minimum 10mm) <p>The following materials/ fencing are not permitted:</p> <ul style="list-style-type: none"> Paling fence Chain mesh fencing Colorbond fence Untreated timber slat fencing Timber sleepers Brush fencing <p>Fences are to be constructed in accordance with Table 1.</p> | |
| 1.8 Building envelope provisions | |
| <p>R9</p> <p>Blocks identified as Integrated Development Parcels are exempt from Rule 7A of the Single Dwelling Housing Development Code.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| 1.9 Side and Rear Setbacks | |
| <p>R10</p> <p>This rule applies to all blocks.</p> <p>Unless otherwise nominated in this precinct code, the following side and rear setbacks apply in accordance with tables in the Single Dwelling Housing Development Code:</p> <ol style="list-style-type: none"> Large blocks to comply with Table 5 Mid-sized blocks to comply with Tables 6A or 6B, as applicable Mid-sized blocks nominated for alternative side setbacks nominated in this precinct code comply with Table 6c Compact blocks to comply with Table 7 <p>In relation to the tables referred to in this rule, side boundary 1 and side boundary 2 are nominated by the applicant unless otherwise specified in the Single Dwelling Housing Development Code or this precinct code.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

Element 2: Water sensitive urban design

| Rules | Criteria | | | | | | | | | | | | |
|--|----------------------------------|----------------------------------|---------|---|-------------|---|-------------|---|-------------|---|-------|----|---|
| 2.1 Water tank requirements | | | | | | | | | | | | | |
| <p>R11</p> <p>Single dwelling blocks are subject to water tank size requirements as follows:</p> <table><tr><th>Block Size (m²)</th><th>Mandatory minimum tank size (kL)</th></tr><tr><td>0 ≤ 250</td><td>0</td></tr><tr><td>> 250 - 350</td><td>2</td></tr><tr><td>> 350 - 599</td><td>4</td></tr><tr><td>> 599 - 800</td><td>8</td></tr><tr><td>> 800</td><td>10</td></tr></table> <p>Rain water tanks must be installed in accordance with R43 of the Single Dwelling Housing Code including minimum roof capture areas and internal and external connection requirements.</p> | Block Size (m ²) | Mandatory minimum tank size (kL) | 0 ≤ 250 | 0 | > 250 - 350 | 2 | > 350 - 599 | 4 | > 599 - 800 | 8 | > 800 | 10 | <p>This is a mandatory requirement. There is no applicable criterion.</p> |
| Block Size (m ²) | Mandatory minimum tank size (kL) | | | | | | | | | | | | |
| 0 ≤ 250 | 0 | | | | | | | | | | | | |
| > 250 - 350 | 2 | | | | | | | | | | | | |
| > 350 - 599 | 4 | | | | | | | | | | | | |
| > 599 - 800 | 8 | | | | | | | | | | | | |
| > 800 | 10 | | | | | | | | | | | | |

Element 3: Home business provisions

| Rules | Criteria |
|--|---|
| 3.1 Home business | |
| <p>R12</p> <p>This rule applies to block 6 section 16.</p> <p>No maximum number of <i>home business</i>.</p> | <p>This is a mandatory requirement. There is no applicable criterion.</p> |

| LOCATION (refer to plan) FENCING CONTROL ONLY APPLIES TO COURTYARD WALLS AND FENCES FORWARD OF THE BUILDING LINE | | MANDATORY | MINIMUM FRONT SETBACK | MAXIMUM HEIGHT | MAXIMUM HEIGHT FOR PPOS SCREEN | MAXIMUM HEIGHT OF SIDE FENCING TO FRONT OF FRONT BUILDING LINE | NOTE |
|---|---|--|--------------------------|-------------------|--------------------------------------|--|---|
| | VILLAGE LINK/ GREEN LINK | YES | 100% @ 0m | 1.2m | 1.5m | 1.5m | |
| | VILLAGE LINK/ GREEN LINK | YES | 100% @ 600mm | 1.2m | 1.5m | 1.5m | PROVIDE PLANTING FORWARD OF THE COURTYARD WALL |
| | CENTRAL BOULEVARD | YES | 50% @ 0m 50% @ 1m | 1.2m | 1.5m | 1.5m | |
| | LANE WAYS | AS REQUIRED | 100% @ 0m | 1.8m | 1.8m | NA | |
| | BLOCKS ADJACENT TO OPEN SPACE | AS REQUIRED | 100% @ 0m | 1.8m* | 1.8m | NA | |
| | NORTH FACING BLOCKS | ONLY WHERE PPOS IS IDENTIFIED | 50% @ 0m 50% @ 600mm | 1.5m* | 1.5m | 1.5m | |
| | CORNER BLOCKS (APPLIES TO ALL LARGE AND MID SIZE CORNER BLOCKS) | AS REQUIRED | 50% @ 0m 50% @ 600mm | 1.5m* | 1.5m | 1.5m | NO FENCING PERMITTED WITHIN 6m OF THE CORNER (REFER TO DIAGRAM BELOW) |

* Where located above a retaining wall, fencing to be setback a minimum of 600mm from the boundary. The maximum combined height of wall and fence is 2.2 metres from footpath level. Sufficient space between retaining wall and fence to provide planting.

Table 1 Fencing controls

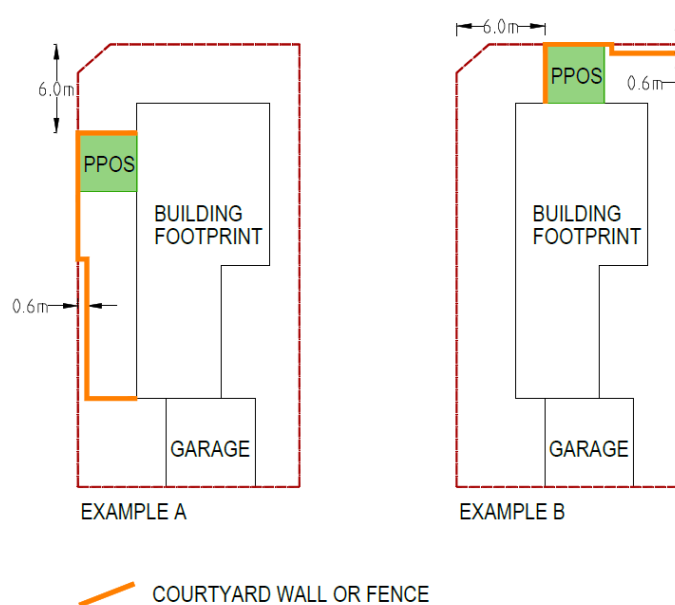


Figure 1 Fencing controls for mid-size / large corner blocks



Figure 2 Strathnairn fencing controls



Figure 3 Strathnairn residential area 1

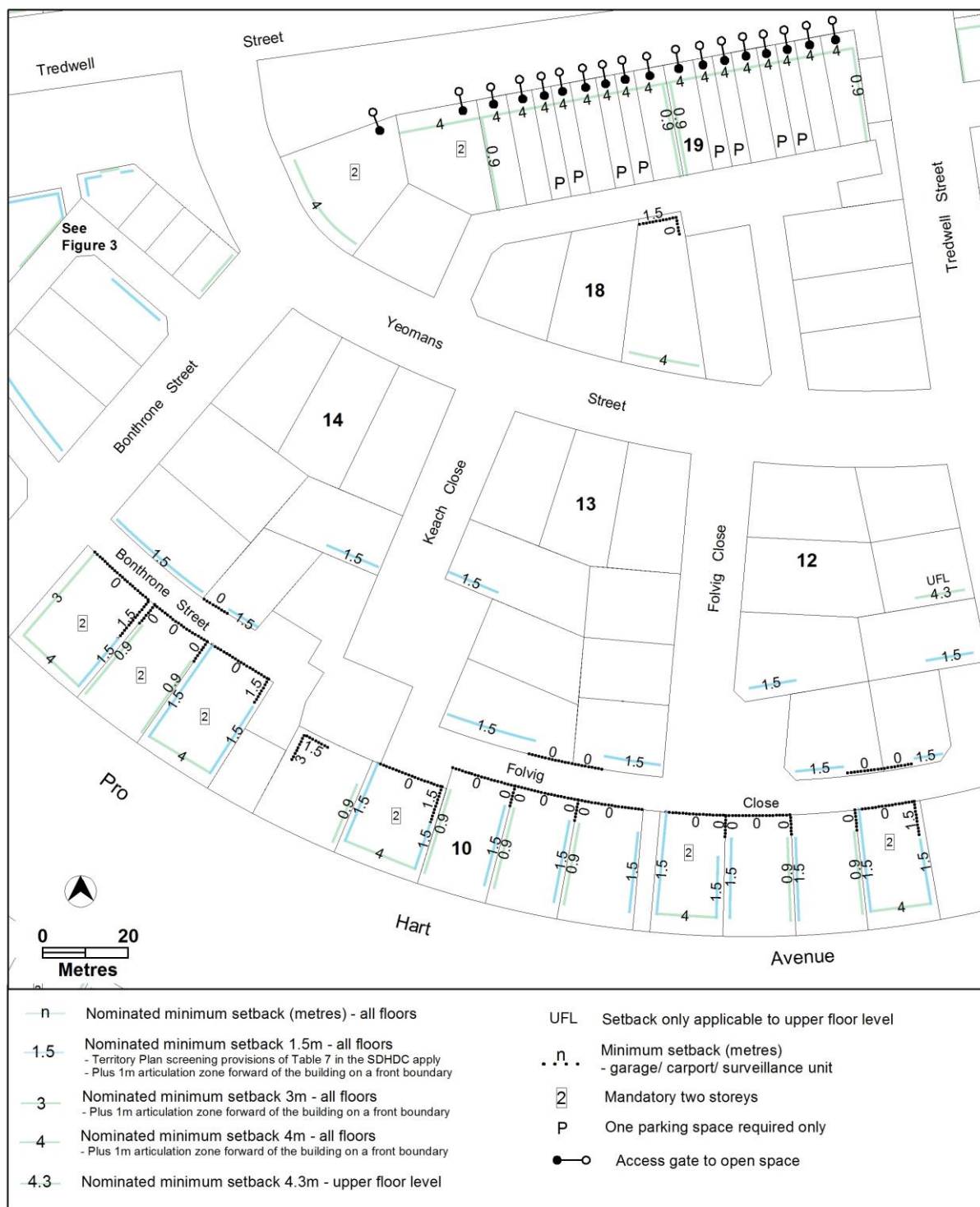


Figure 4 Strathnairn residential area 2

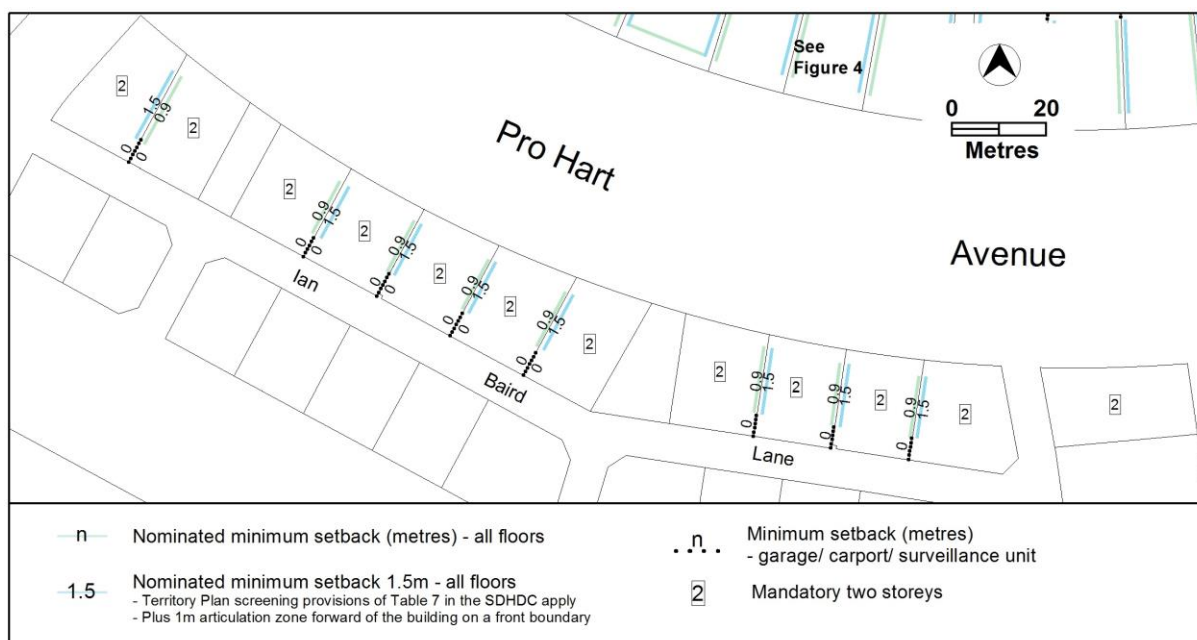


Figure 5 Strathnairn residential area 3

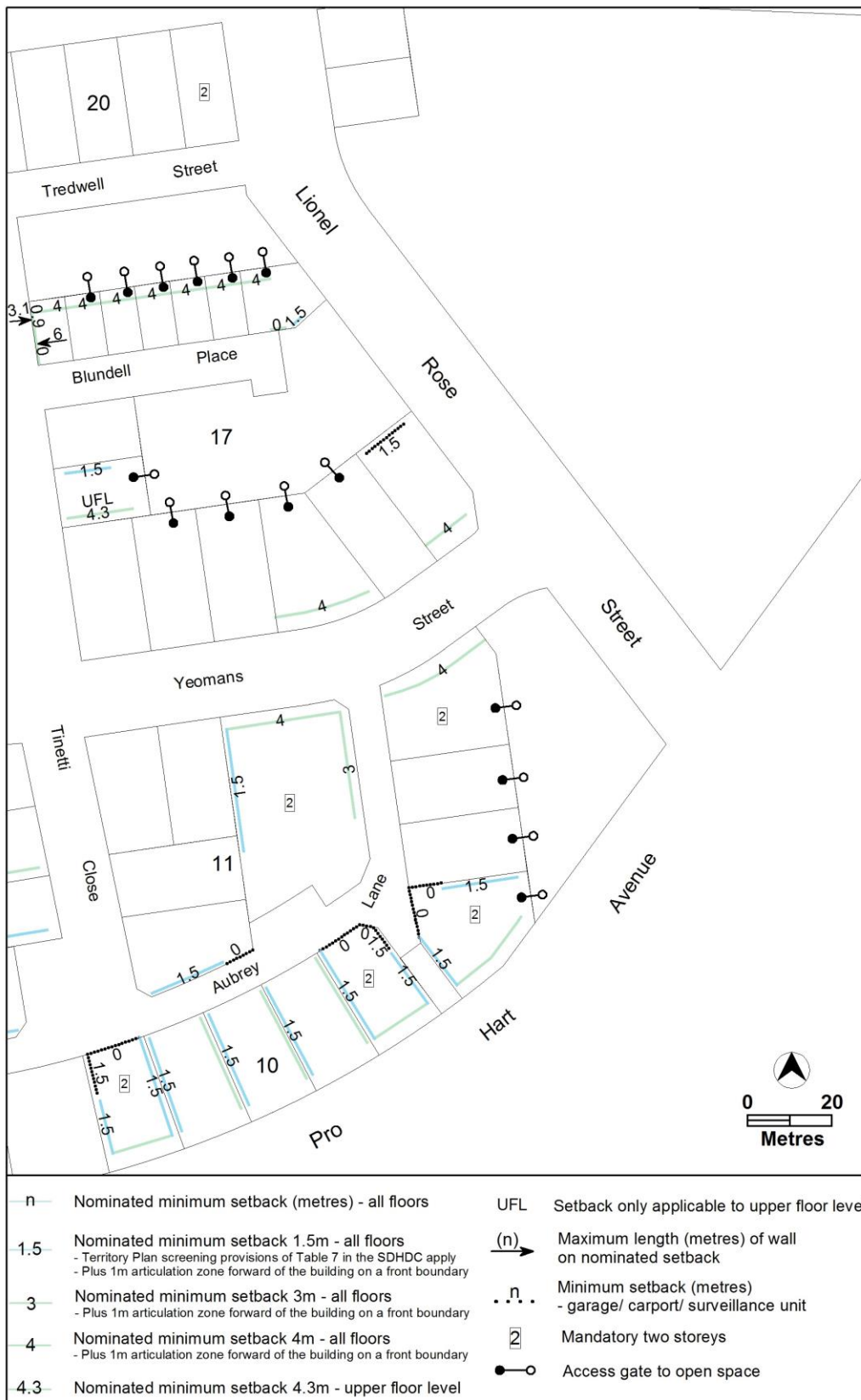


Figure 6 Strathnairn residential area 4



Figure 7 Strathnairn residential area 5

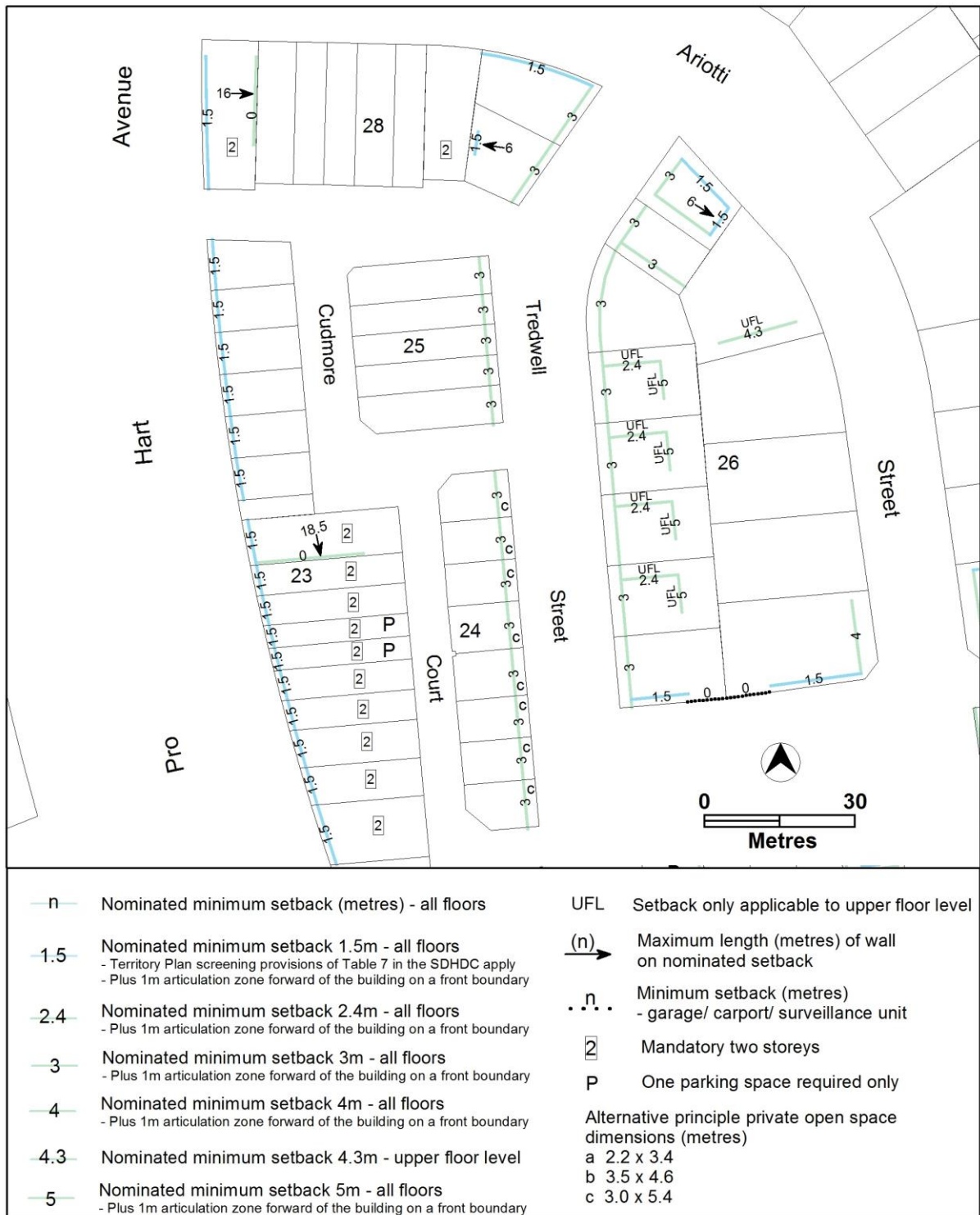


Figure 8 Strathnairn residential area 6

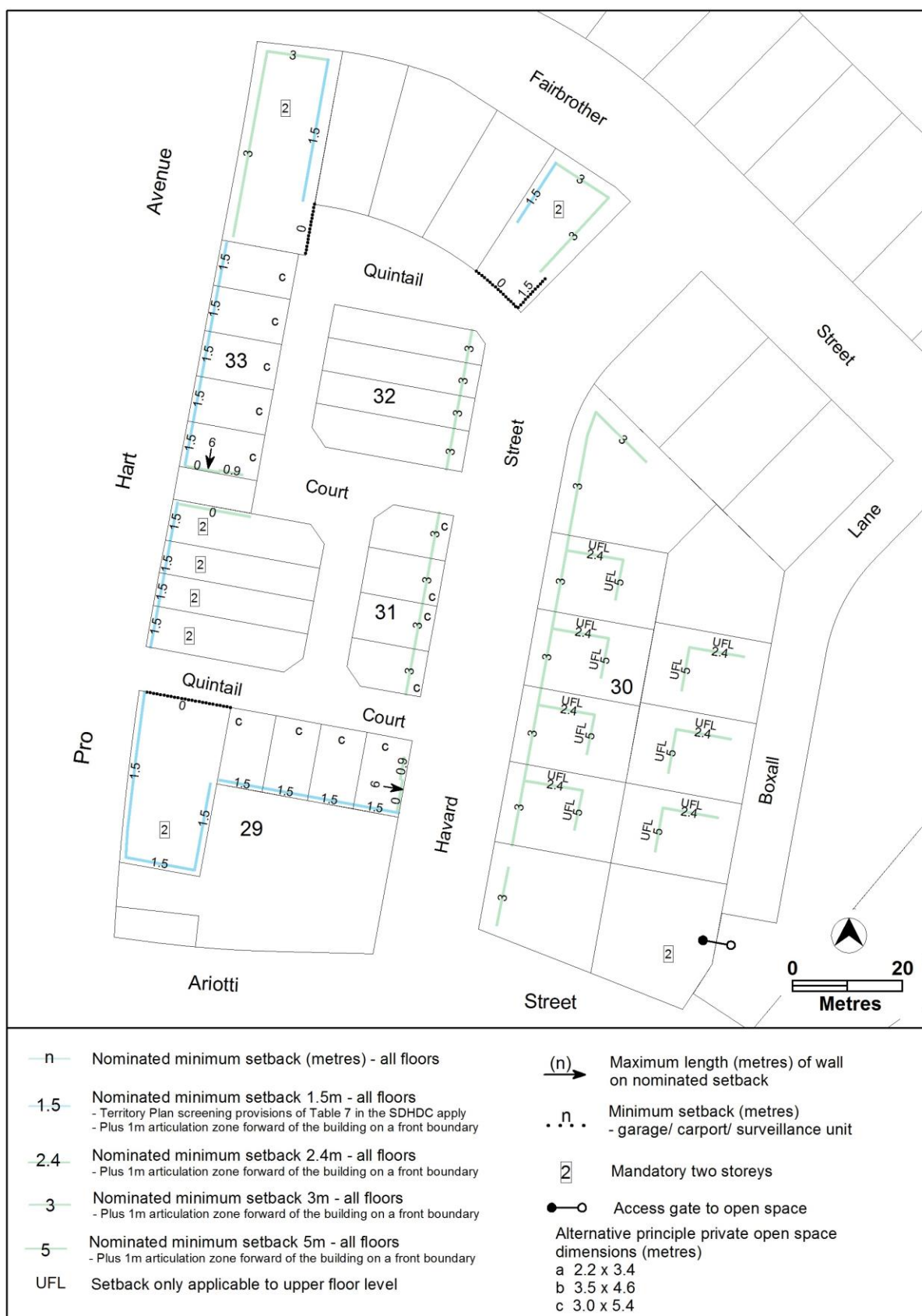


Figure 9 Strathnairn residential area 7

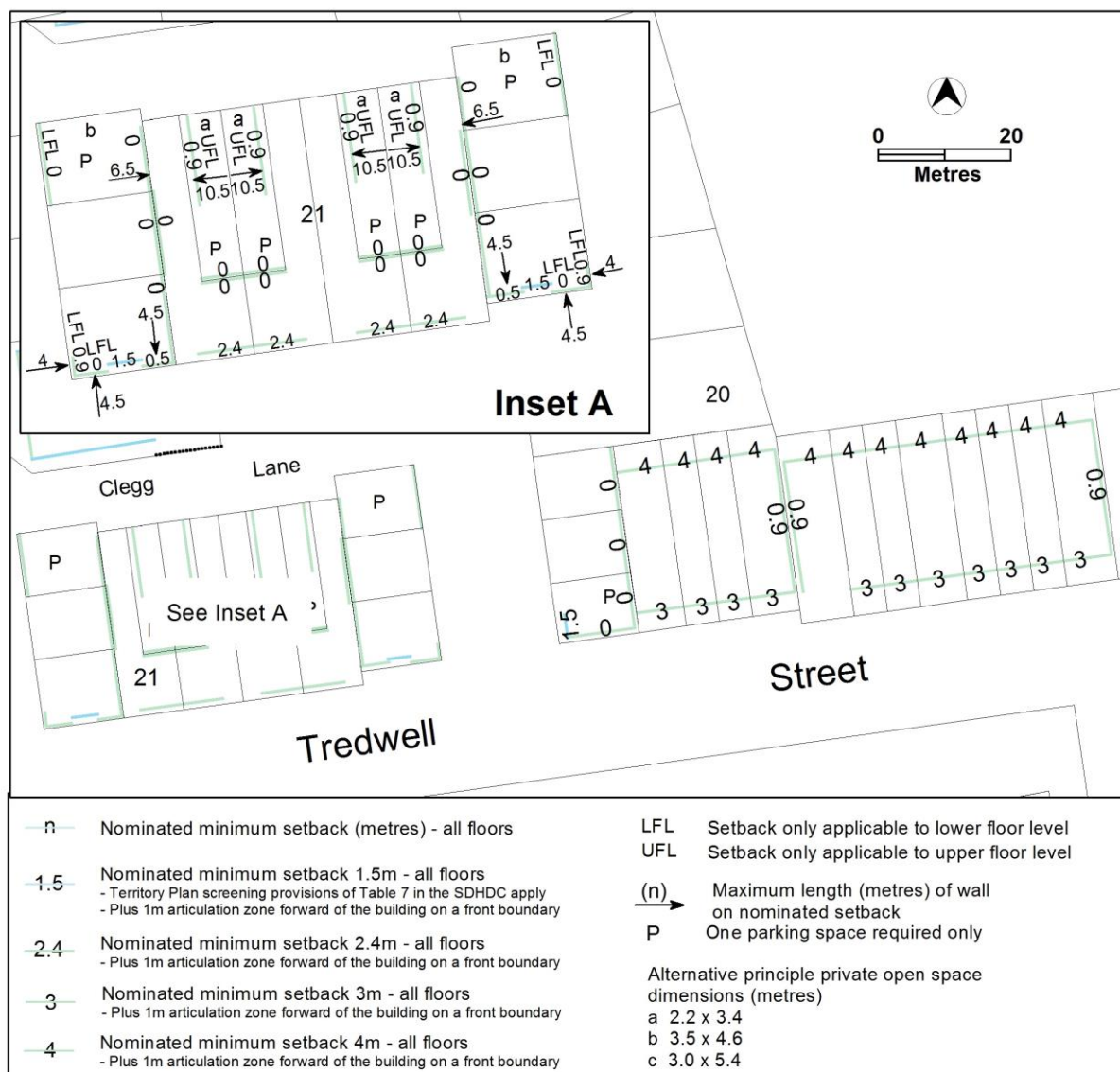


Figure 10 Strathnairn residential area 8

Other ongoing provisions

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

OP1 – Strathnairn residential area

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

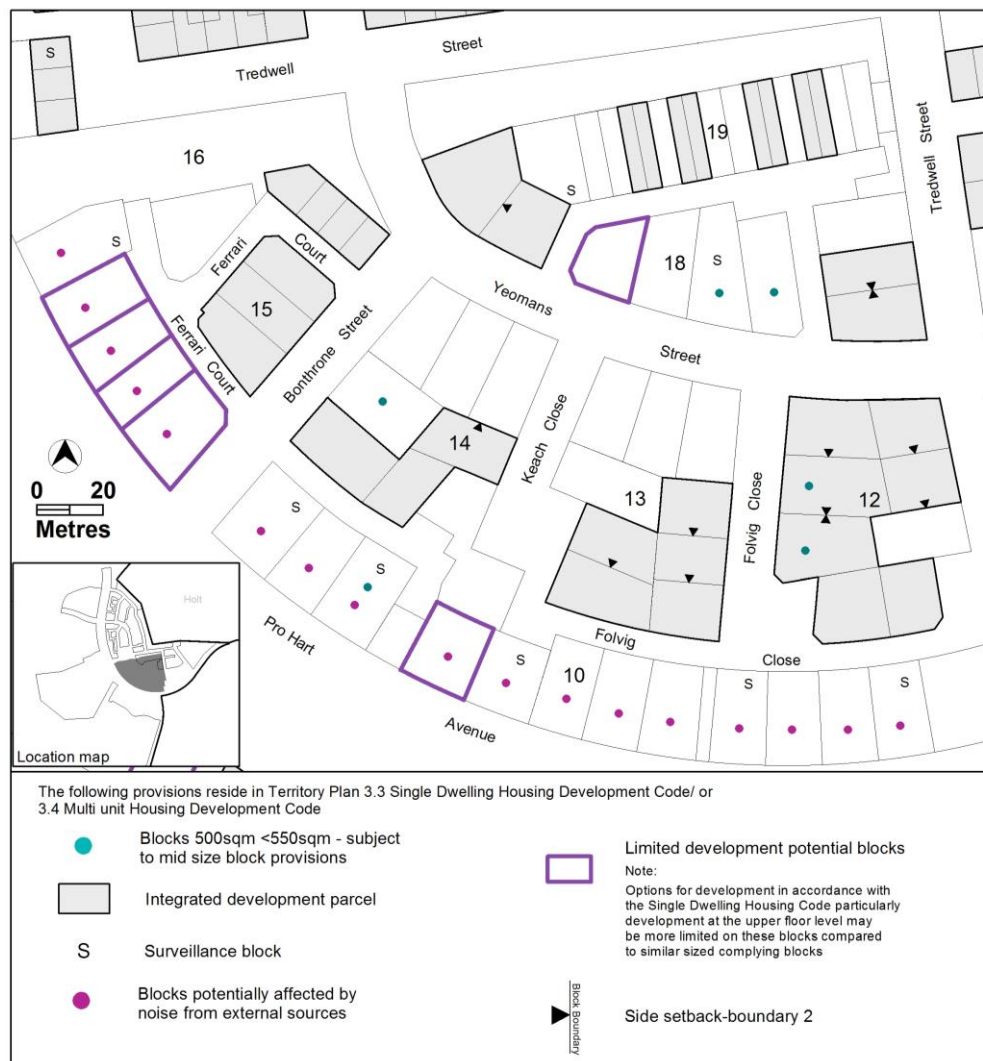


Figure 11 Strathnairn residential area ongoing provisions

OP2 – Strathnairn residential area

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

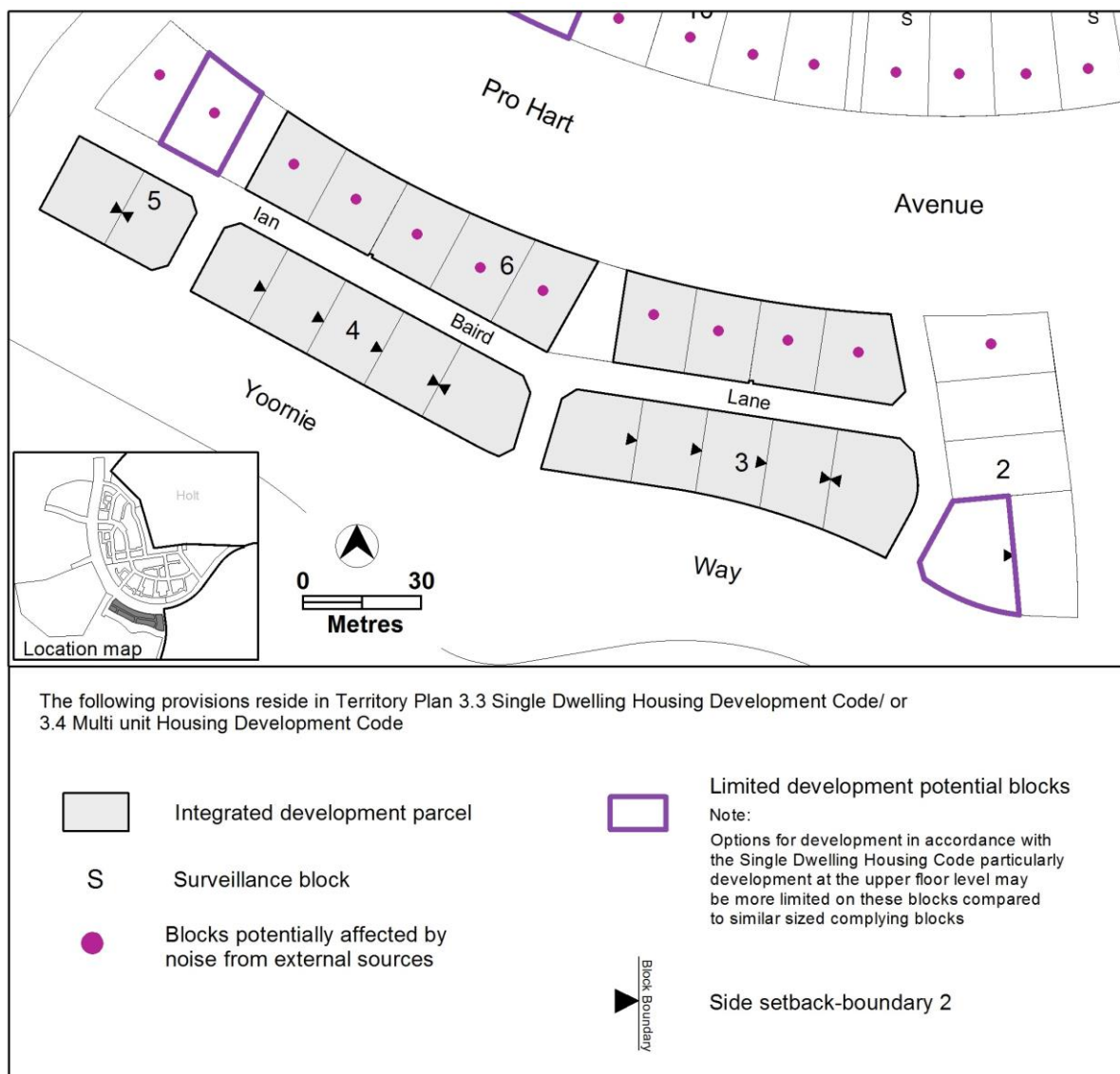


Figure 12 Strathnairn residential area ongoing provisions

OP3 – Strathnairn residential area

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



Figure 13 Strathnairn residential area ongoing provisions

OP4 – Strathnairn residential area

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



Figure 14 Strathnairn residential area ongoing provisions

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: |

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131 450

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