

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

Notifiable instrument NI2019—648

Technical Amendment No 2019-15

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 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 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 2019-15, in the schedule.

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

Carolyn O'Neill
Delegate of the planning and land authority
3 October 2019



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2019-15

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

October 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	Taylor Precinct Map and Code.....	9
3.	TECHNICAL AMENDMENT.....	12
3.1	Territory Plan Map	12
3.2	Taylor 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 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(1)(c) 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.

TA2019-15 has been prepared in accordance with section 87(1)(c).

2. EXPLANATION

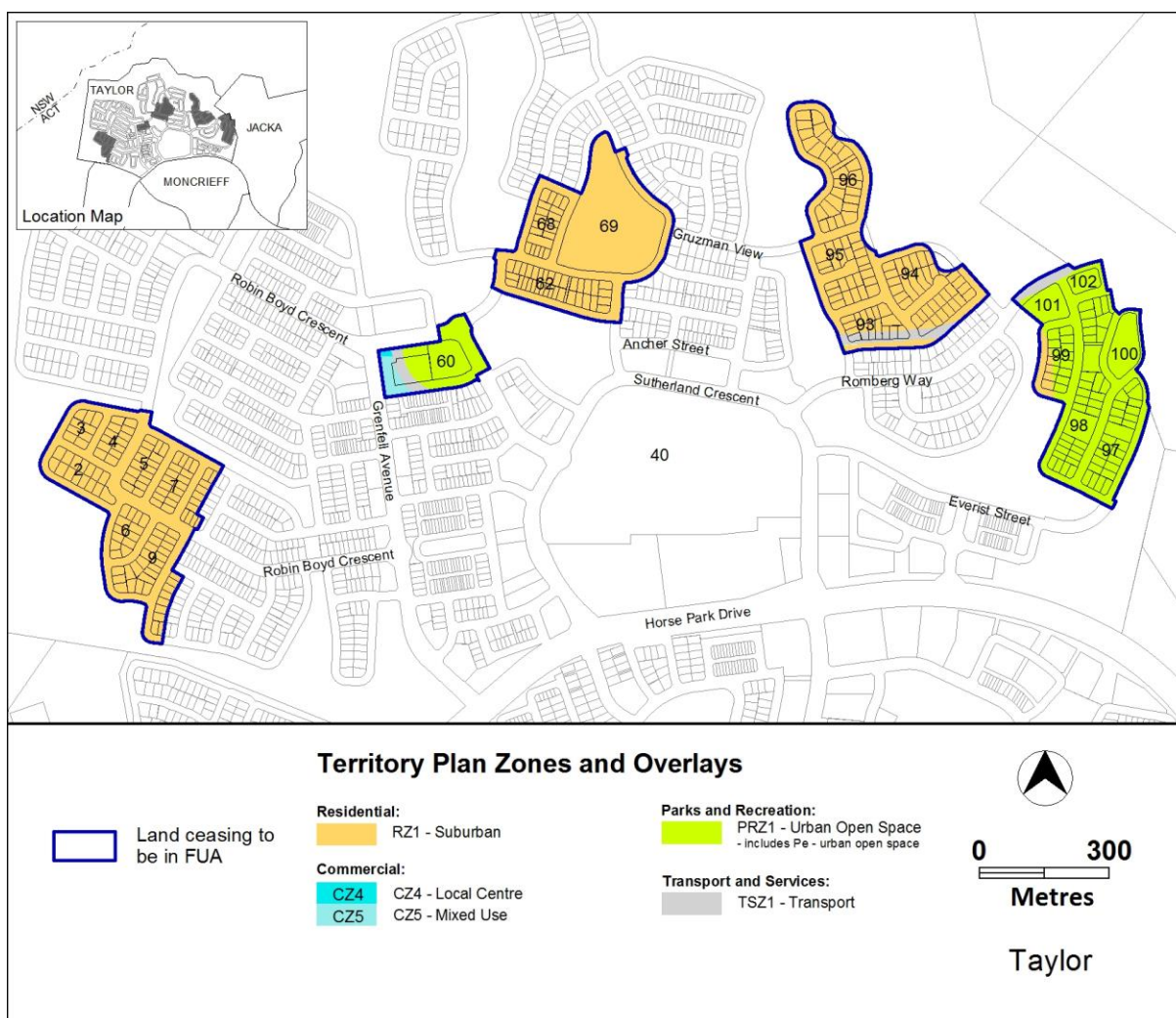
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

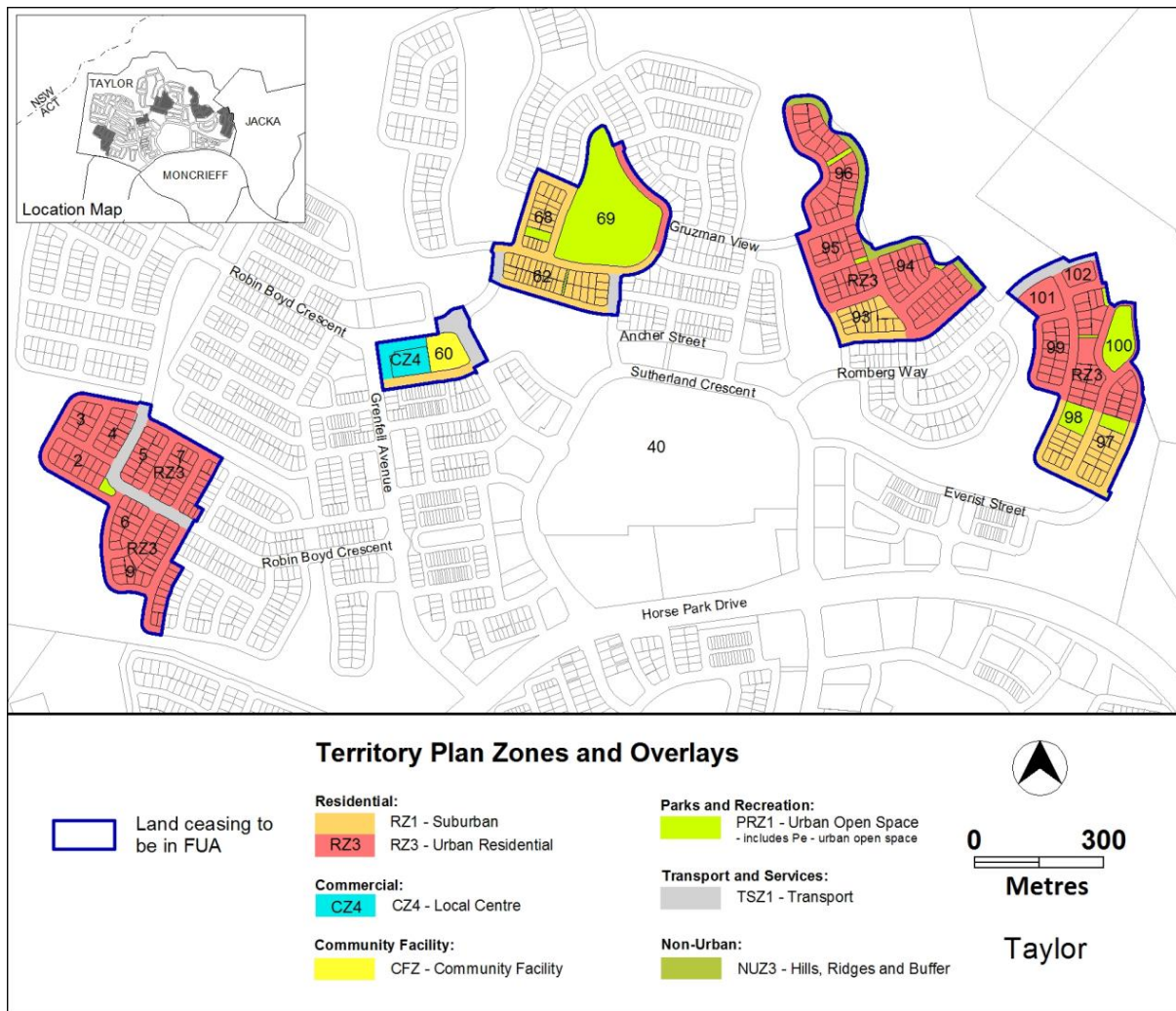
Variation to the Territory Plan

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



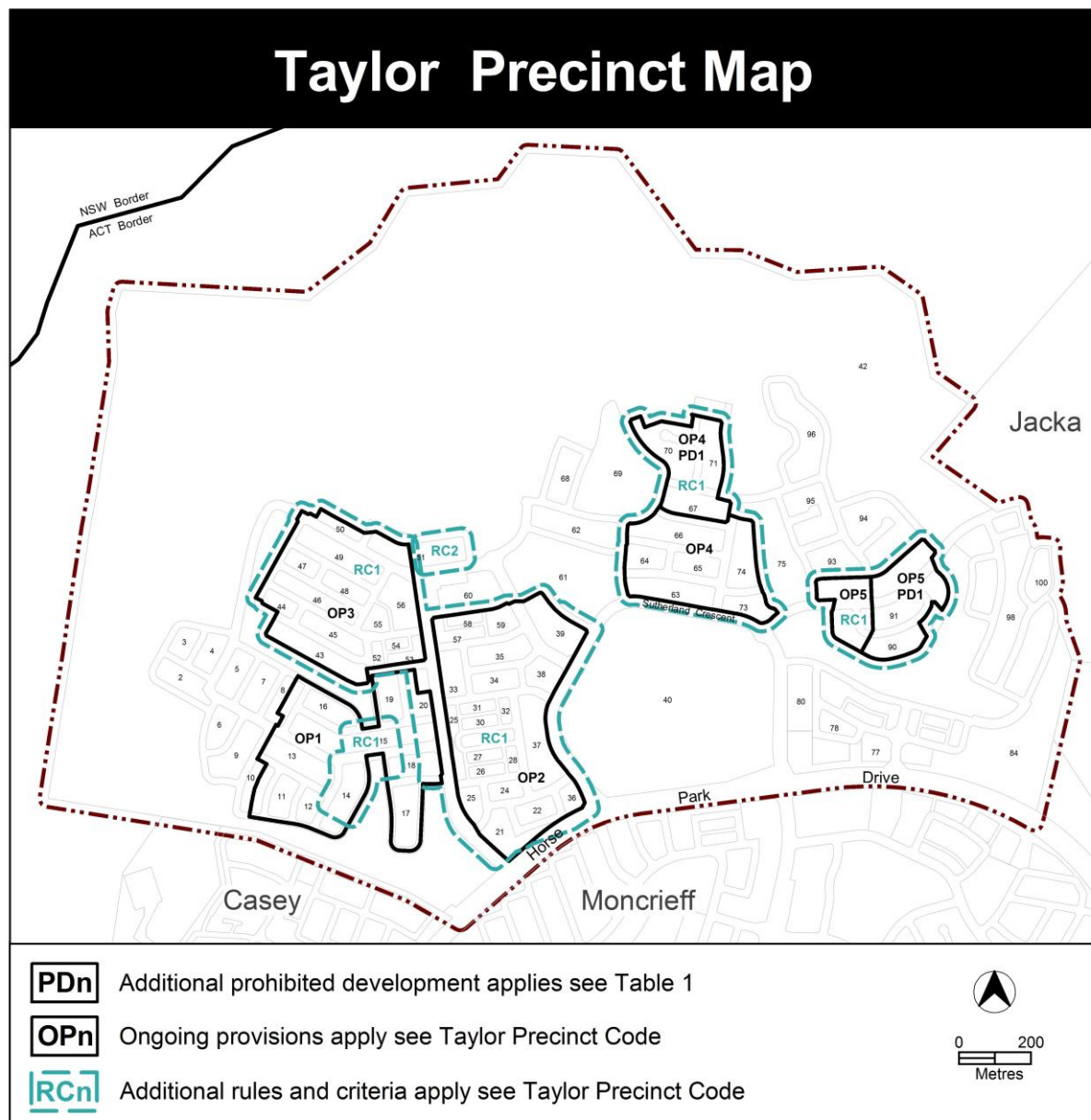
2.2 Taylor Precinct Map and Code

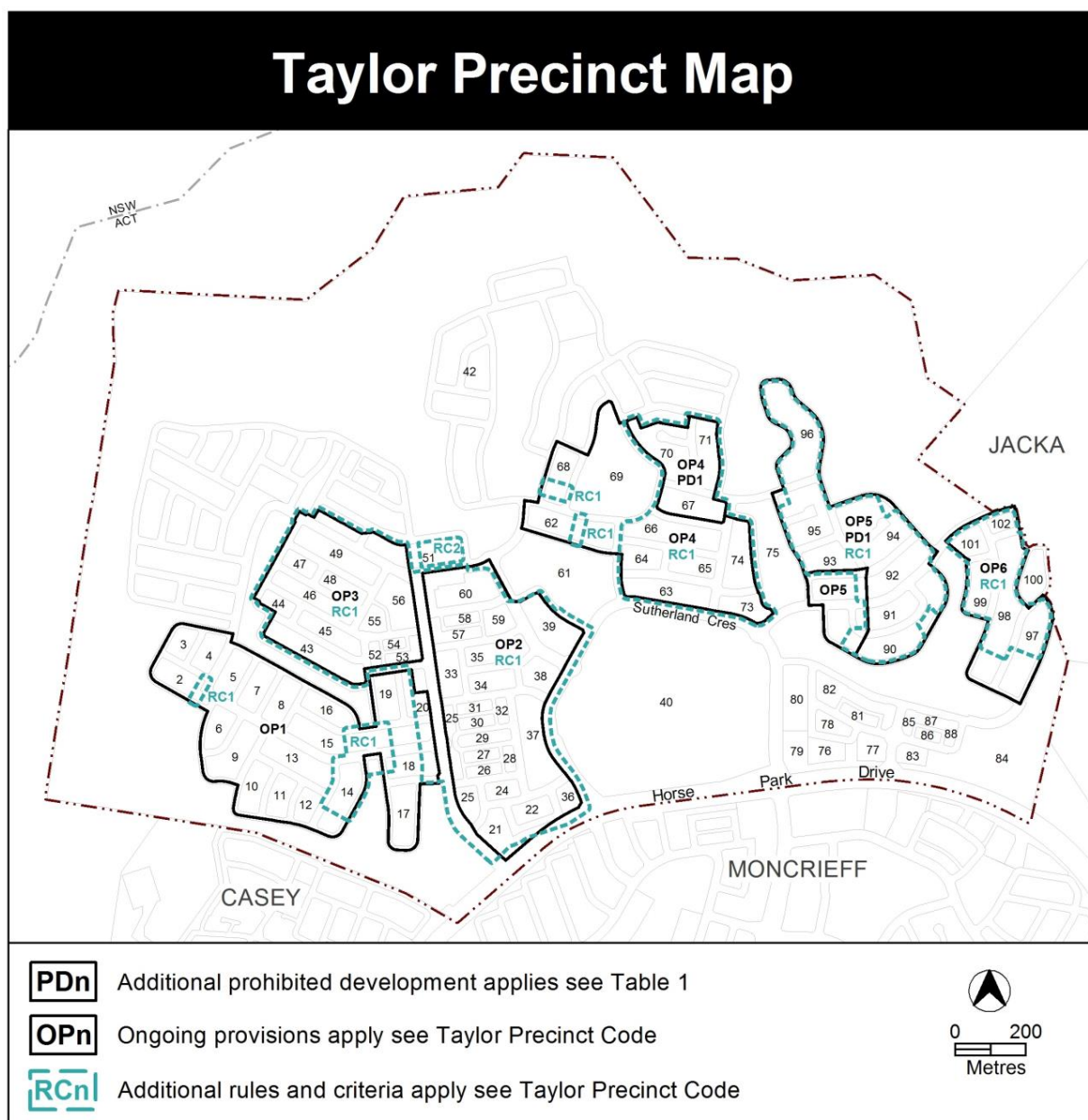
Variation to the Taylor Precinct Map and Code

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 (1, 2, 3, 4, 5, 6, 8, 9, 10, and 11) into the Taylor Precinct Map and Code in Attachment A, for areas where the future urban area overlay is being removed (see 3.1 Territory Plan Map).

The following provisions are to be added:

Rules	Criteria
2.4 Building height	
R9 This rule applies to blocks or parcels in locations identified in Figure 5. The maximum number of storeys is 3.	This is a mandatory requirement. There is no applicable criterion.
2.5 Active Frontage	
R10 This rule applies to blocks or parcels in locations identified in Figure 5. A 3m awning is required along active frontages.	This is a mandatory requirement. There is no applicable criterion.
2.6 Loading docks	
R11 This rule applies to blocks or parcels in locations identified in Figure 5. Loading docks to be located as shown in Figure 5.	This is a mandatory requirement. There is no applicable criterion.

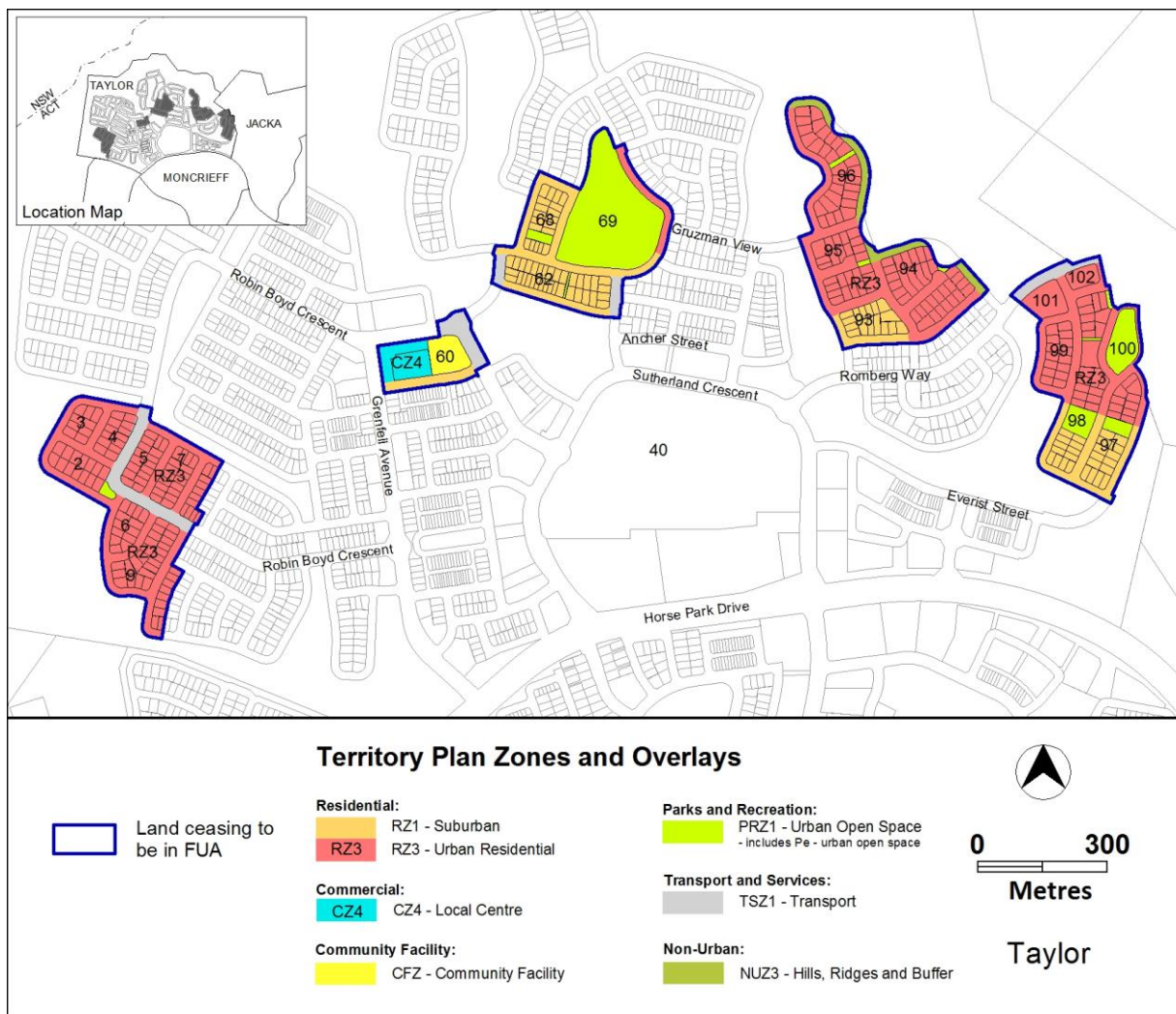
3. TECHNICAL AMENDMENT

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



3.2 Taylor Precinct Map and Code

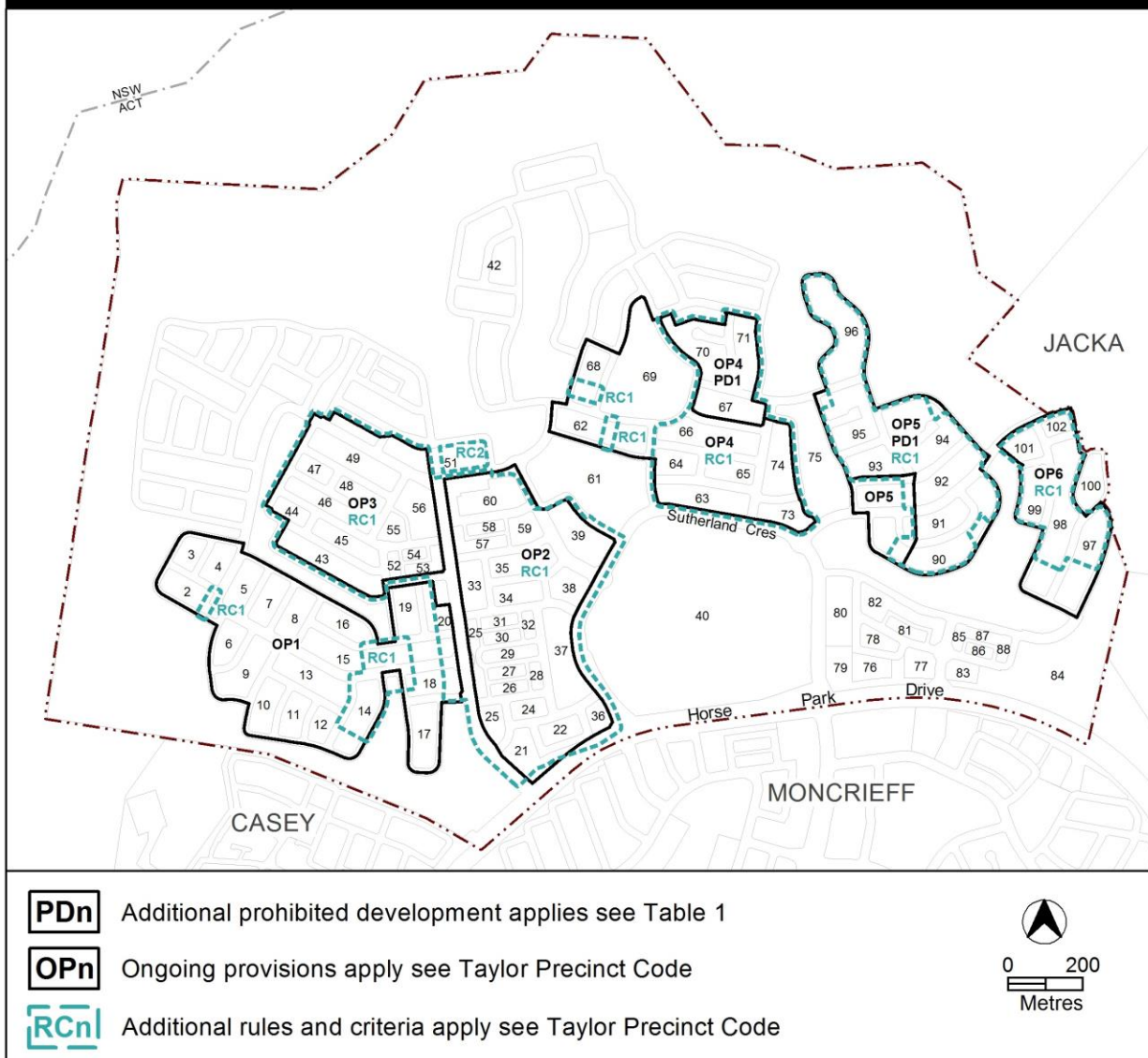
2. Taylor Precinct Map and Code

Substitute with Attachment A

Taylor Precinct Map and Code

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Taylor Precinct Map



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

Contents

Introduction	6
Additional rules and criteria	8
RC1 – Taylor Residential	8
Element 1: Building and site controls	8
1.1 Courtyard walls	8
1.2 Vehicular access	8
1.3 Waste	8
1.4 Principle private open space	9
1.5 Consolidation	9
RC2 – Taylor Commercial	14
Element 2: Building and site controls	14
2.1 Gross floor area	14
2.2 Vehicular access	14
2.3 Courtyard walls	14
2.4 Building height	14
2.5 Active frontage	15
2.6 Loading docks	15
Other ongoing provisions	17
OP1 – Taylor residential area	17
OP2 – Taylor residential area	18
OP3 – Taylor residential area	19
OP4 – Taylor residential area	20
OP5 – Taylor residential area	21
OP6 – Taylor residential area	22
FIGURES	
Diagram 1 Elevation of courtyard wall	9
Figure 1 Taylor residential area 1	10
Figure 2 Taylor residential area 2	11
Figure 3 Taylor residential area 3	12
Figure 4 Taylor residential area 4	13
Figure 5 Taylor commercial area 1	16
Figure 6 Taylor residential area ongoing provisions	17
Figure 7 Taylor residential area ongoing provisions	18
Figure 8 Taylor residential area ongoing provisions	19
Figure 9 Taylor residential area ongoing provisions	20
Figure 10 Taylor residential area ongoing provisions	21
Figure 11 Taylor residential area ongoing provisions	22

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, and 4.</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 1, 2, 3, and 4.</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 3 and 4.</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 3 and 4.</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>

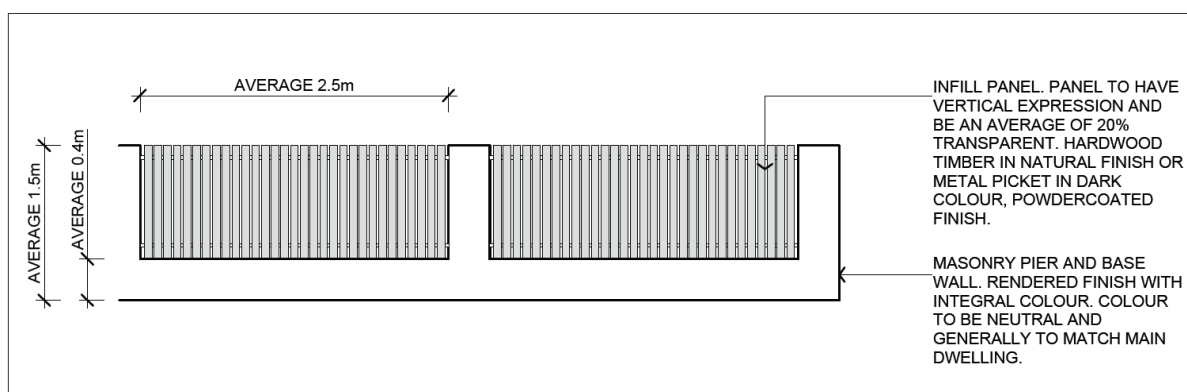


Diagram 1 Elevation of courtyard wall

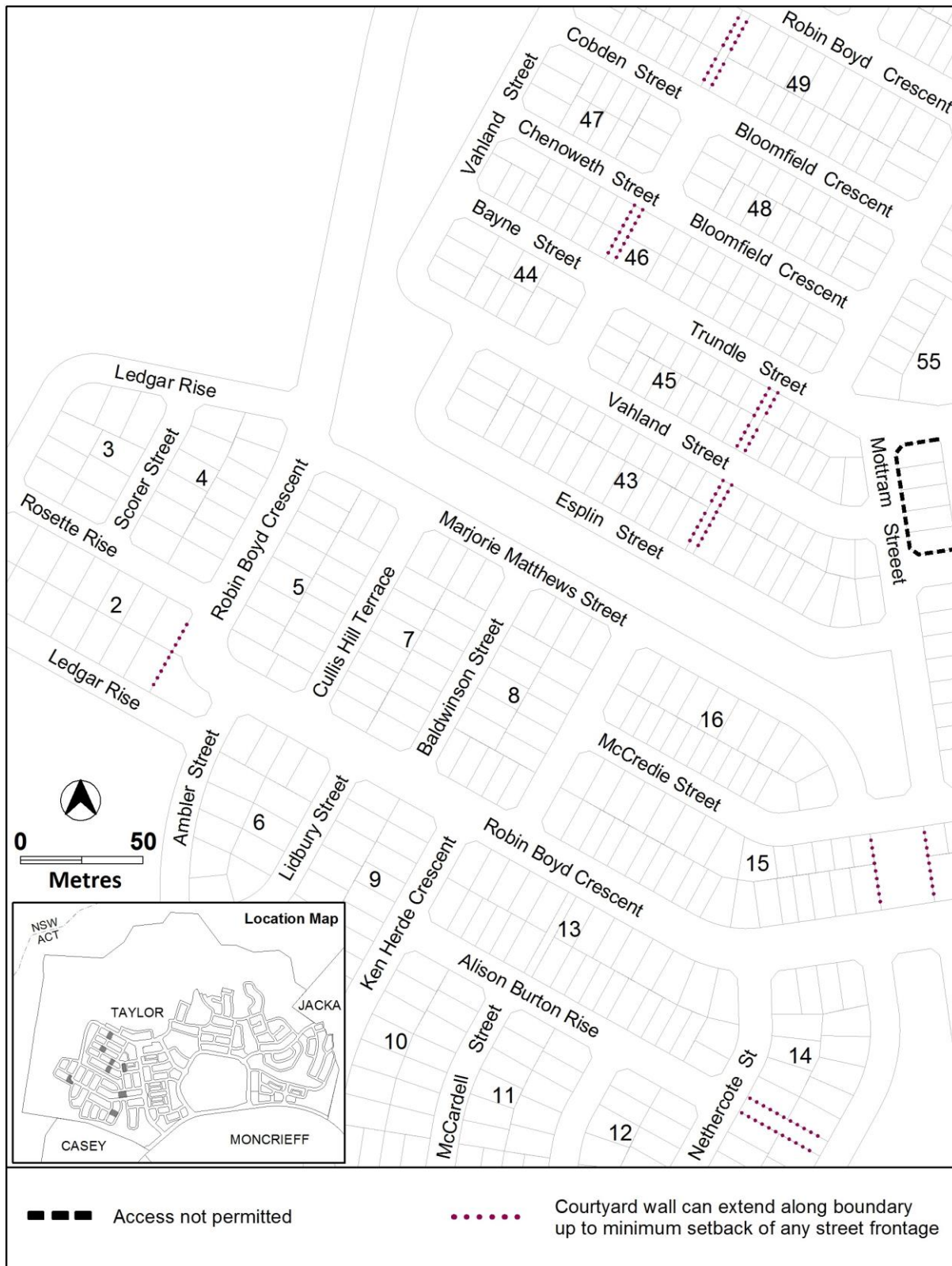


Figure 1 Taylor residential area 1

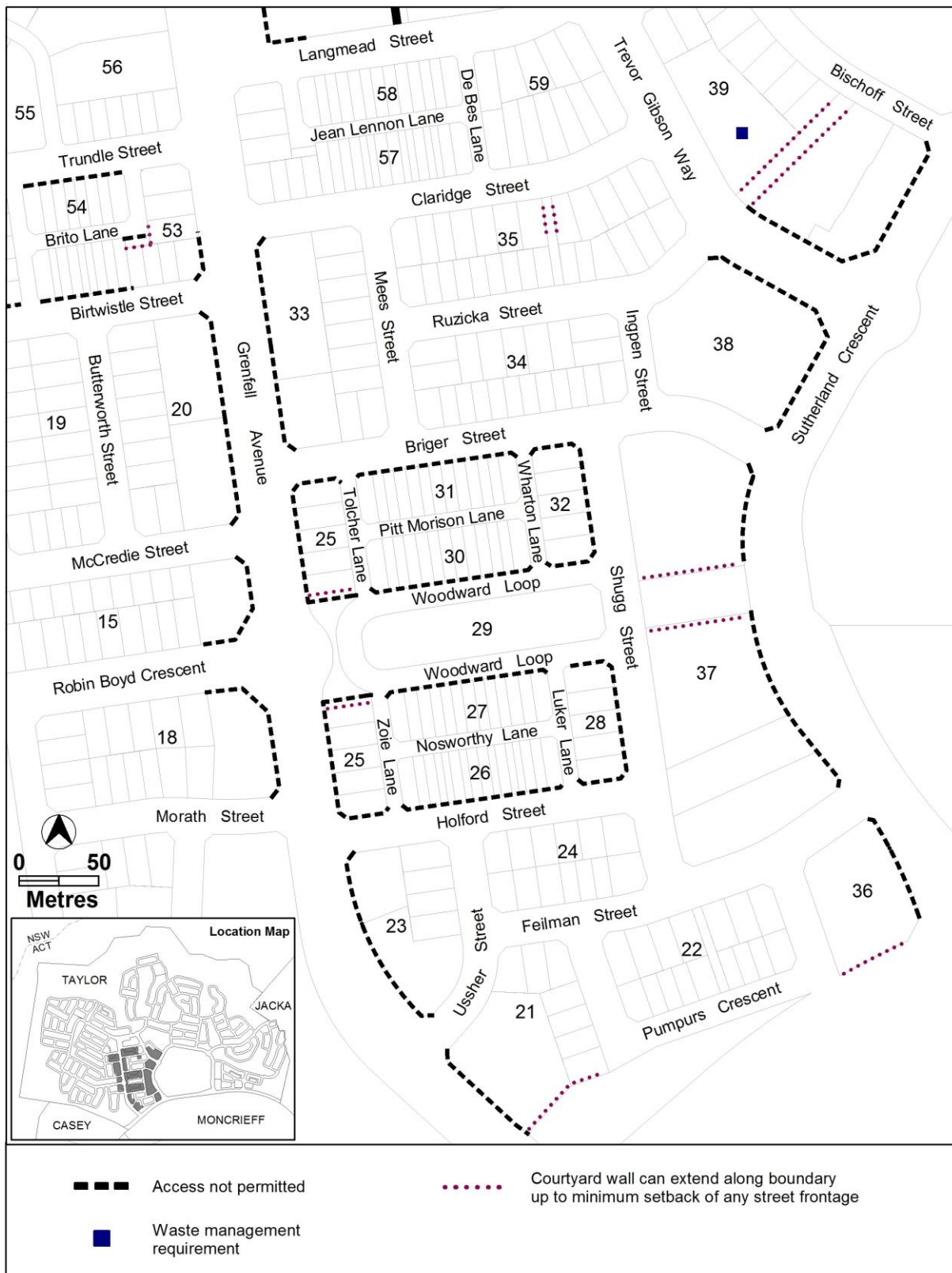


Figure 2 Taylor residential area 2



Figure 3 Taylor residential area 3

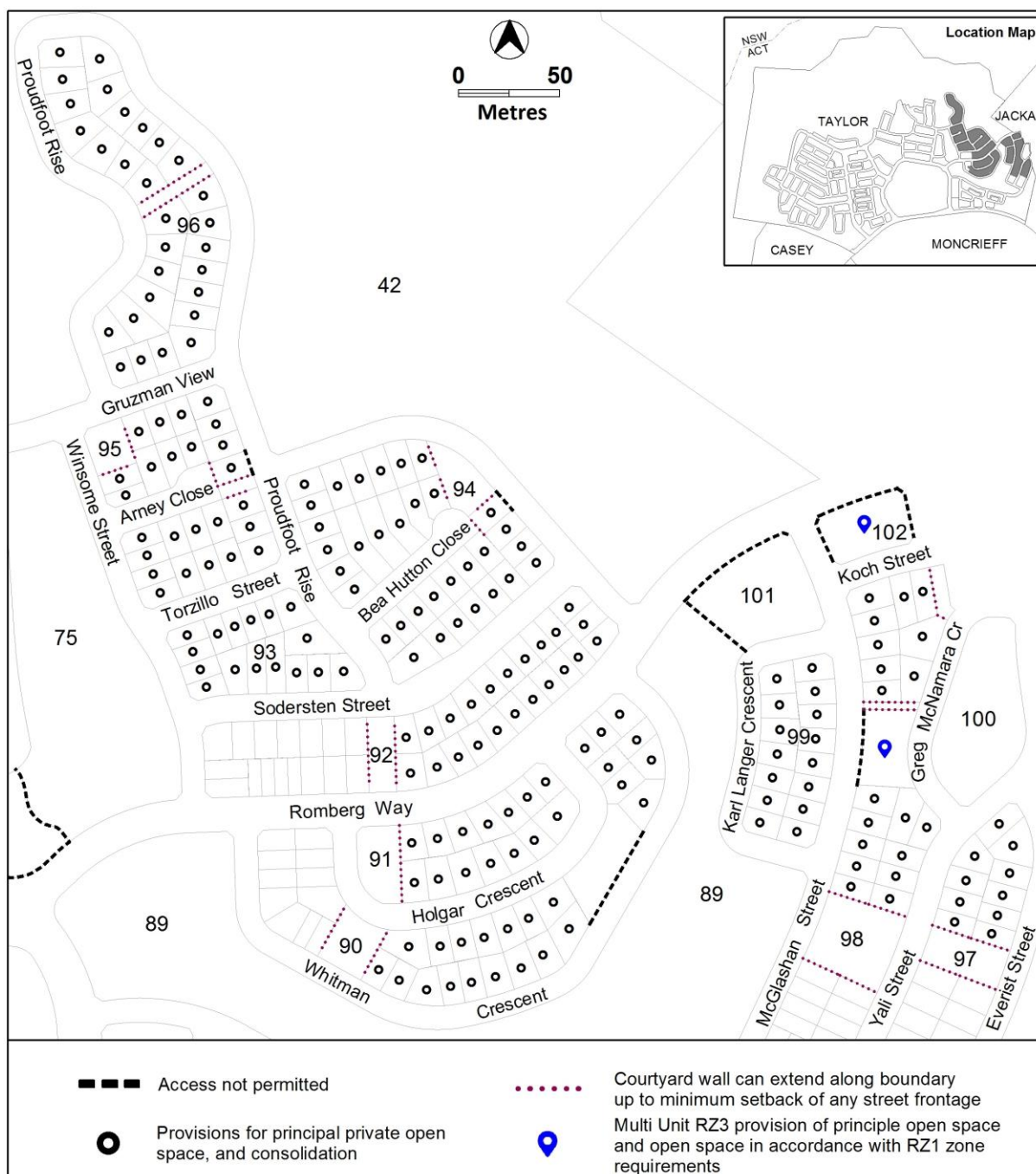


Figure 4 Taylor residential area 4

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 5.</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 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>
2.3 Courtyard walls	
<p>R8</p> <p>This rule applies to blocks or parcels in locations identified in Figure 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>
2.4 Building height	
<p>R9</p> <p>This rule applies to blocks or parcels in locations identified in Figure 5.</p> <p>The maximum number of storeys is 3.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
2.5 Active frontage	
<p>R10</p> <p>This rule applies to blocks or parcels in locations identified in Figure 5.</p> <p>A 3m awning is required along active frontages.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.6 Loading docks	
<p>R11</p> <p>This rule applies to blocks or parcels in locations identified in Figure 5.</p> <p>Loading docks to be located as shown in Figure 5.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

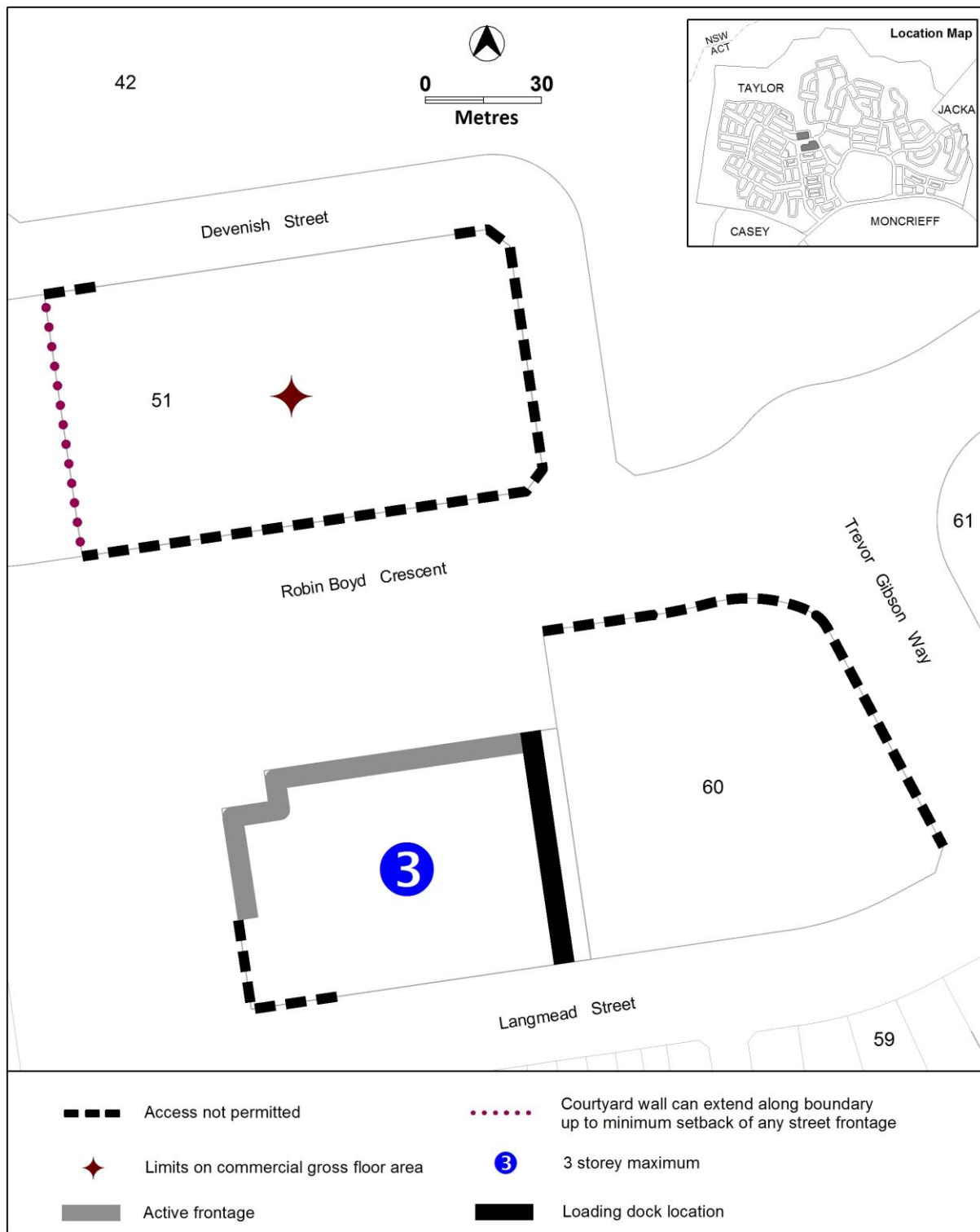


Figure 5 Taylor commercial area 1

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.

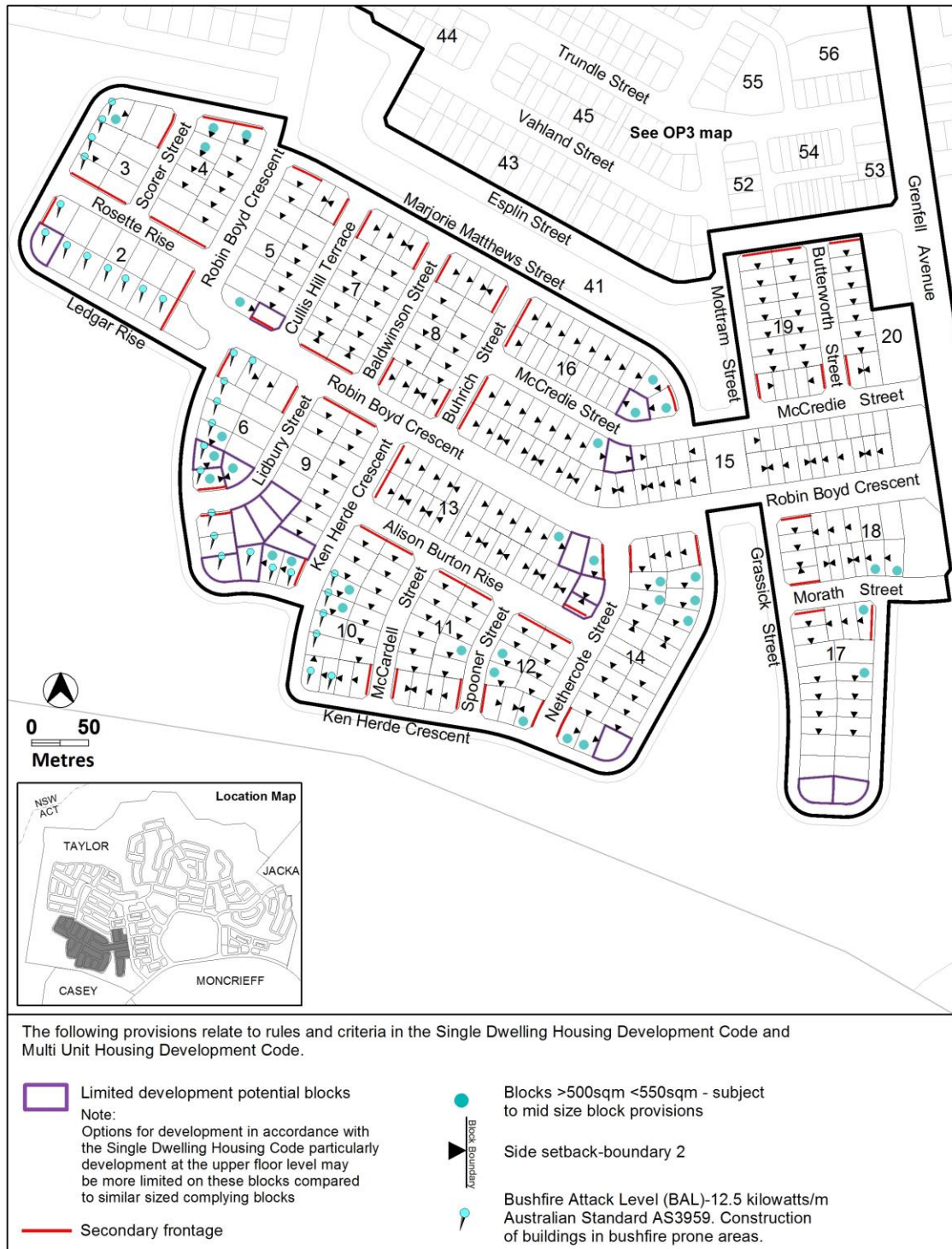


Figure 6 Taylor residential area ongoing provisions

OP2 – Taylor residential area

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



Figure 7 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 8 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.

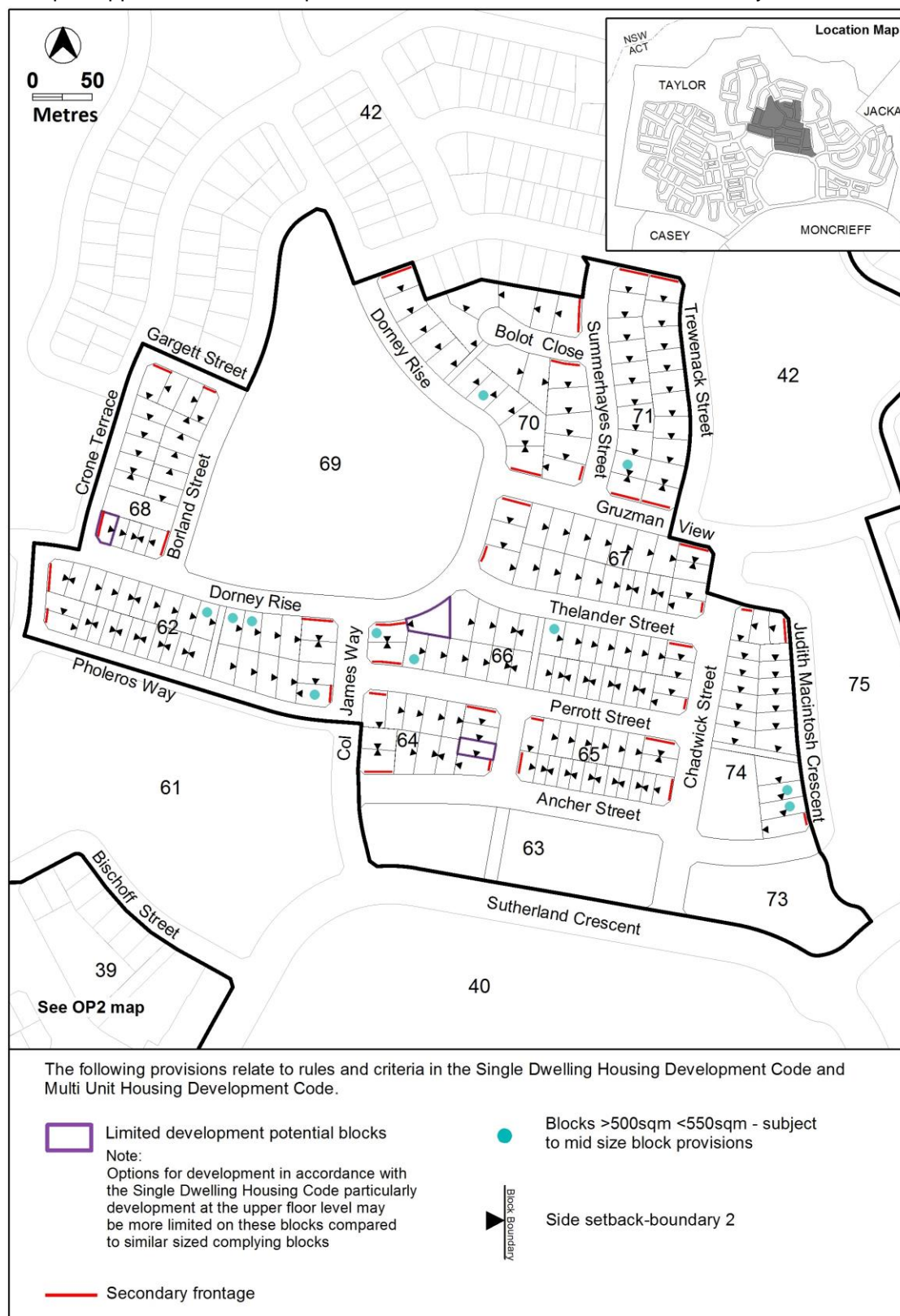


Figure 9 Taylor residential area ongoing provisions

OP5 – Taylor residential area

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

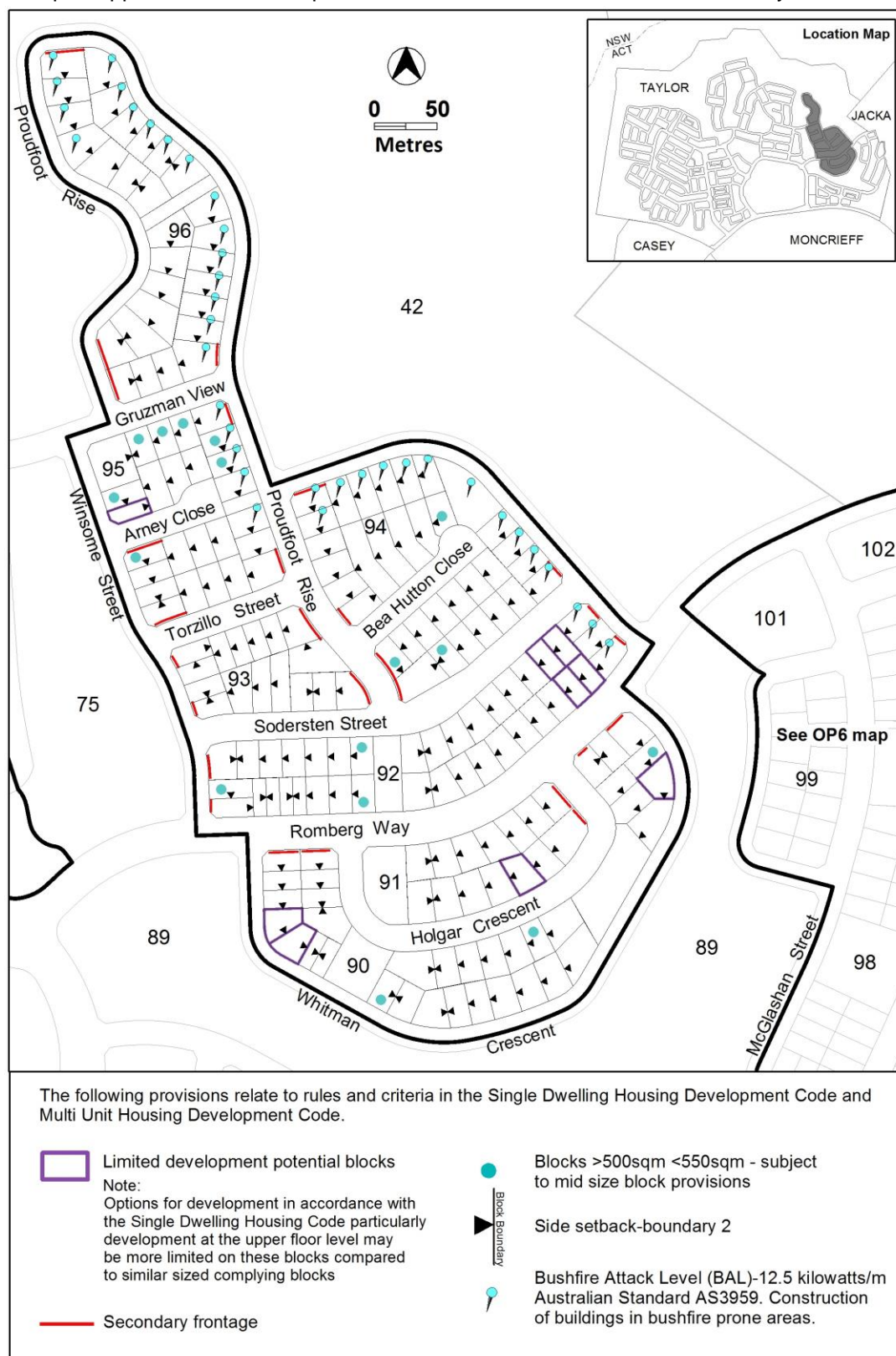


Figure 10 Taylor residential area ongoing provisions

OP6 – Taylor residential area

This part applies to blocks and parcels identified in area OP6 shown on the Taylor Precinct Map.

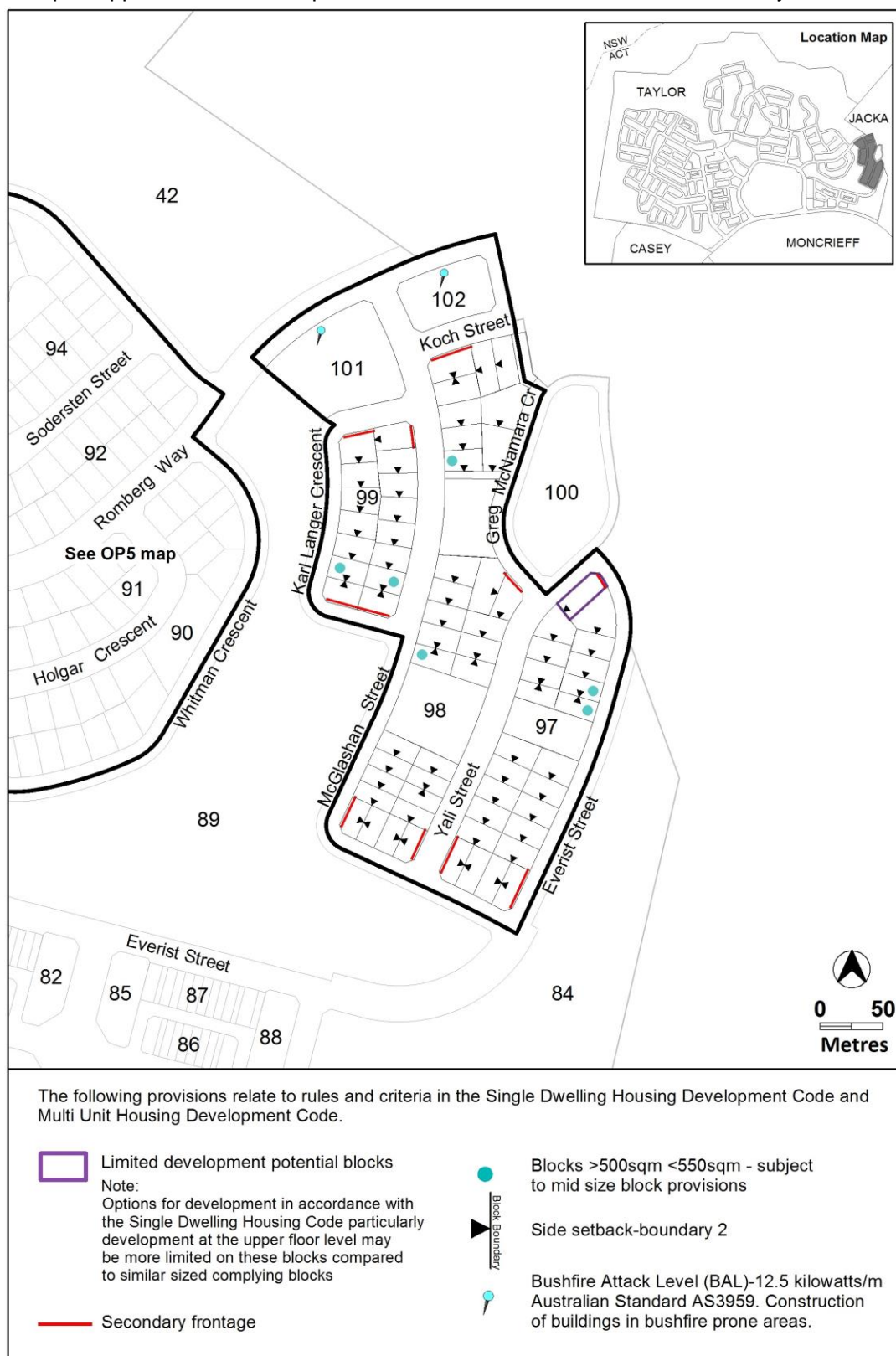


Figure 11 Taylor residential area ongoing provisions

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ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت للمساعدة بالترجمة الشفوية، إتصل بالهاتف:
CHINESE	如果您需要口译员帮助，请拨电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
DARI	اگر به کمک ترجمه شفاهی ضرورت دارید، به این شماره تلیفون کنید:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο:
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
LAO	ຕ້ອນ ການຄວາມຊ່ວຍເຫລືອກຳລັງການແປພາສາ, ໃຫ້ໂທ: ສີບຫາ
MALTESE	Jekk ghandek bżonn l-ghajnuna t'interpretu, ċempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
RUSSIAN	Если вам нужна помощь переводчика, звоните по телефону:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
VIETNAMESE	Nếu bạn cần một người thông ngôn hãy gọi điện thoại:

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