

Planning and Development (Technical Amendment—Strathnairn) Plan Variation 2020 (No 2)

Notifiable instrument NI2020—589

Technical Amendment No 2020-05

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—Strathnairn) Plan Variation 2020 (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 2020-05, in the schedule.

Note Limited consultation was undertaken in relation to the plan variation in accordance with section 90 of the *Planning and Development Act 2007*.

Lesley Cameron
Delegate of the planning and land authority
8 September 2020



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

Technical Amendment to the Territory Plan

2020-05

Strathnairn Precinct Map and Code

September 2020

Commencement version

under section 89 of the *Planning and Development Act 2007*

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1. INTRODUCTION

1.1 Purpose

This technical amendment makes the following changes to the Strathnairn Precinct Map and Code

- Identifies ‘nominated minimum setbacks’ on blocks where this requirement had not been included in the approved estate development plan
- Identifies additional ‘alternative principle private open space’ dimensions and amends ‘alternative principle private open space’ requirements on some blocks.

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.

TA2020-05 was released for limited public consultation on 22 July 2020 and concluded on 20 August 2020. No public submissions were received.

1.3 National Capital Authority

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (the Plan) and to keep the Plan under constant review and to propose amendments to it when necessary.

The Plan, which was published in the Commonwealth Gazette on 21 January 1990, is required to ensure Canberra and the Territory are planned and developed in accordance with their national significance. The *Australian Capital Territory (Planning and Land Management) Act 1988* also requires the Territory Plan not to be inconsistent with the Plan. The areas covered by this technical amendment are within urban areas identified in the Plan.

The National Capital Authority advised that it has no concerns with this technical amendment.

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.

TA2020-05 has been prepared in accordance with sections 87(2)(a) of the Act.

2. EXPLANATORY STATEMENT

2.1 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.

2.2 Variation to the Strathnairn Precinct Map and Code

The single dwelling housing development code includes requirements for minimum side setbacks on blocks and nominates dimensions for principal private open space.

The estate development plan for the suburb of Strathnairn identifies blocks where minimum side setbacks apply and where alternative dimensions for principal private open space apply. These requirements were transferred into the Strathnairn precinct code when the future urban area overlay was uplifted.

Following further detailed design work, Ginninderry (the land developer) has requested additional nominated side setbacks on blocks where the requirements do not currently apply. Ginninderry has also requested additional alternative principal private open space dimensions and the application of alternative principal private open space dimensions on nine blocks: five blocks in section 33 and four blocks in section 29. With the size and shape of these blocks the existing specified dimensions for principal private open space are not able to be easily achieved. For this reason, the minimum dimensions for principal private open space will be amended on the nine blocks from the existing dimensions of 'c' 3.0 x 5.4 to the proposed dimensions of 'd' 3.0 x 4.5. The intent of the proposed changes seek to achieve improved development outcomes.

This technical amendment makes changes to the Strathnairn precinct map and code by nominating side setbacks on additional blocks and introducing alternative principal private open space dimensions 'd' and changing the required dimensions from 'c' to 'd' for the nine blocks identified in the figures below.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(2)(a) (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	Compliant. The changes facilitate intended development outcomes on blocks within the division of Strathnairn. The changes are consistent with the policy purpose and policy framework of the code.

The map shows a residential area with streets including Avenue, Hart, Ariotti, Street, Tredwell, Cudmore, and Court. Building footprints are shown with setbacks and zoning information. A legend explains the symbols used, and a scale bar and north arrow are provided.

Legend:

- n** Nominated minimum setback (metres) - all floors
- 1.5** Nominated minimum setback 1.5m - all floors
 - Territory Plan screening provisions of Table 7 in the SDHDC apply
 - Plus 1m articulation zone forward of the building on a front boundary
- 2.4** Nominated minimum setback 2.4m - all floors
 - Plus 1m articulation zone forward of the building on a front boundary
- 3** Nominated minimum setback 3m - all floors
 - Plus 1m articulation zone forward of the building on a front boundary
- 4** Nominated minimum setback 4m - all floors
 - Plus 1m articulation zone forward of the building on a front boundary
- 4.3** Nominated minimum setback 4.3m - upper floor level
- 5** Nominated minimum setback 5m - all floors
 - Plus 1m articulation zone forward of the building on a front boundary
- UFL** Setback only applicable to upper floor level
- (n)** Maximum length (metres) of wall on nominated setback
- . n .** Minimum setback (metres) - garage/ carport/ surveillance unit
- 2** Mandatory two storeys
- P** One parking space required only

Alternative principle private open space dimensions (metres)

- a 2.2 x 3.4
- b 3.5 x 4.6
- c 3.0 x 5.4

Map Labels:

- Blocks subject to TA2020-05** (Yellow shaded areas)
- Pro** (Professional zone)
- 23**, **24**, **25**, **26**, **28** (Block numbers)
- UFL** (Upper Floor Level setback)
- 1.5**, **2.4**, **3**, **4**, **4.3** (Setback values)
- 0**, **1.5**, **3**, **4** (Wall length values)
- 16**, **18.5** (Wall length values)
- 2** (Mandatory two storeys)
- P** (One parking space required only)

Scale: 0 to 30 Metres

North Arrow: Points North

Proposed Figure 10 of the Strathnairn precinct map and code

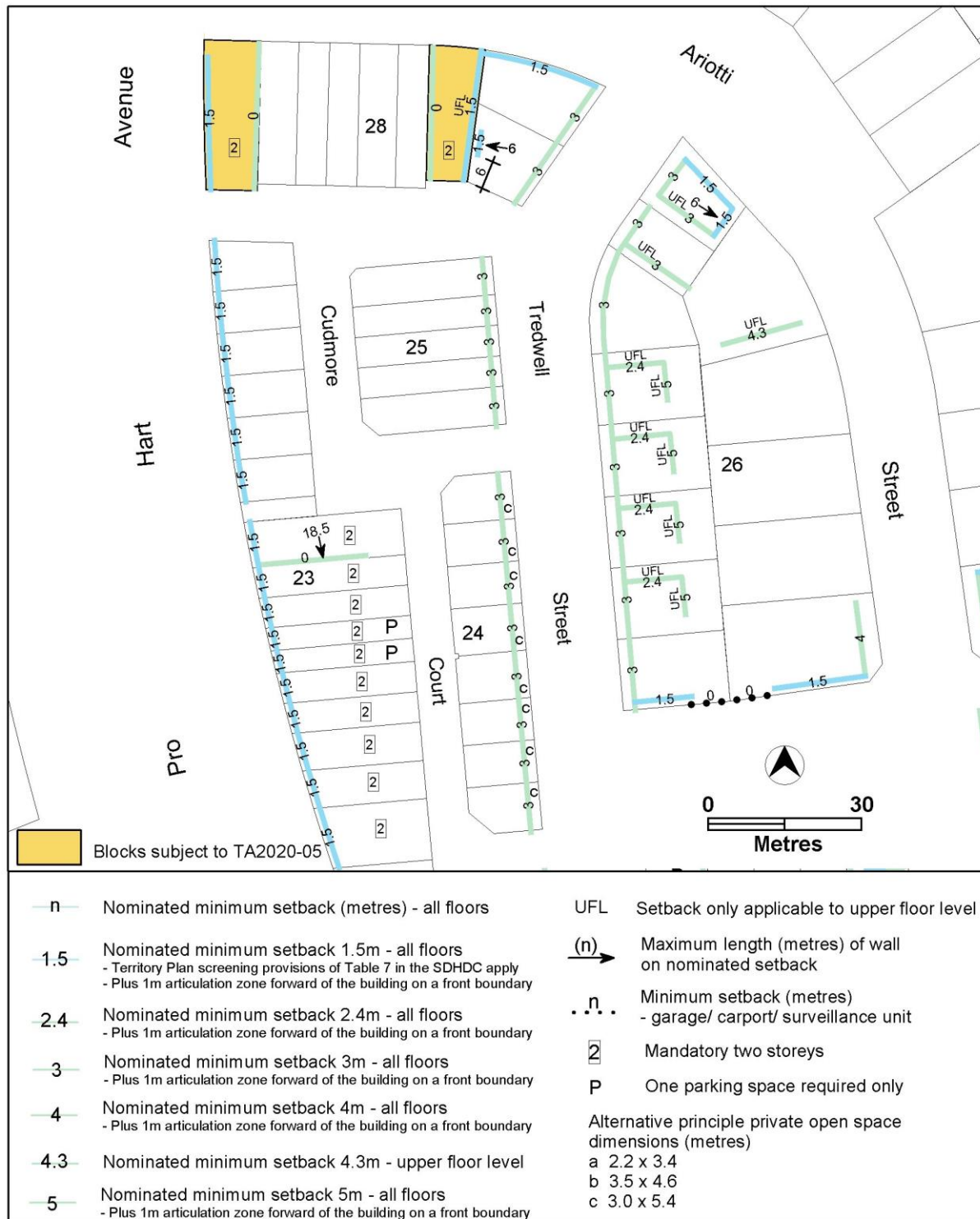


Figure 10 Strathnairn residential area 6

Existing Figure 11 of the Strathnairn precinct map and code

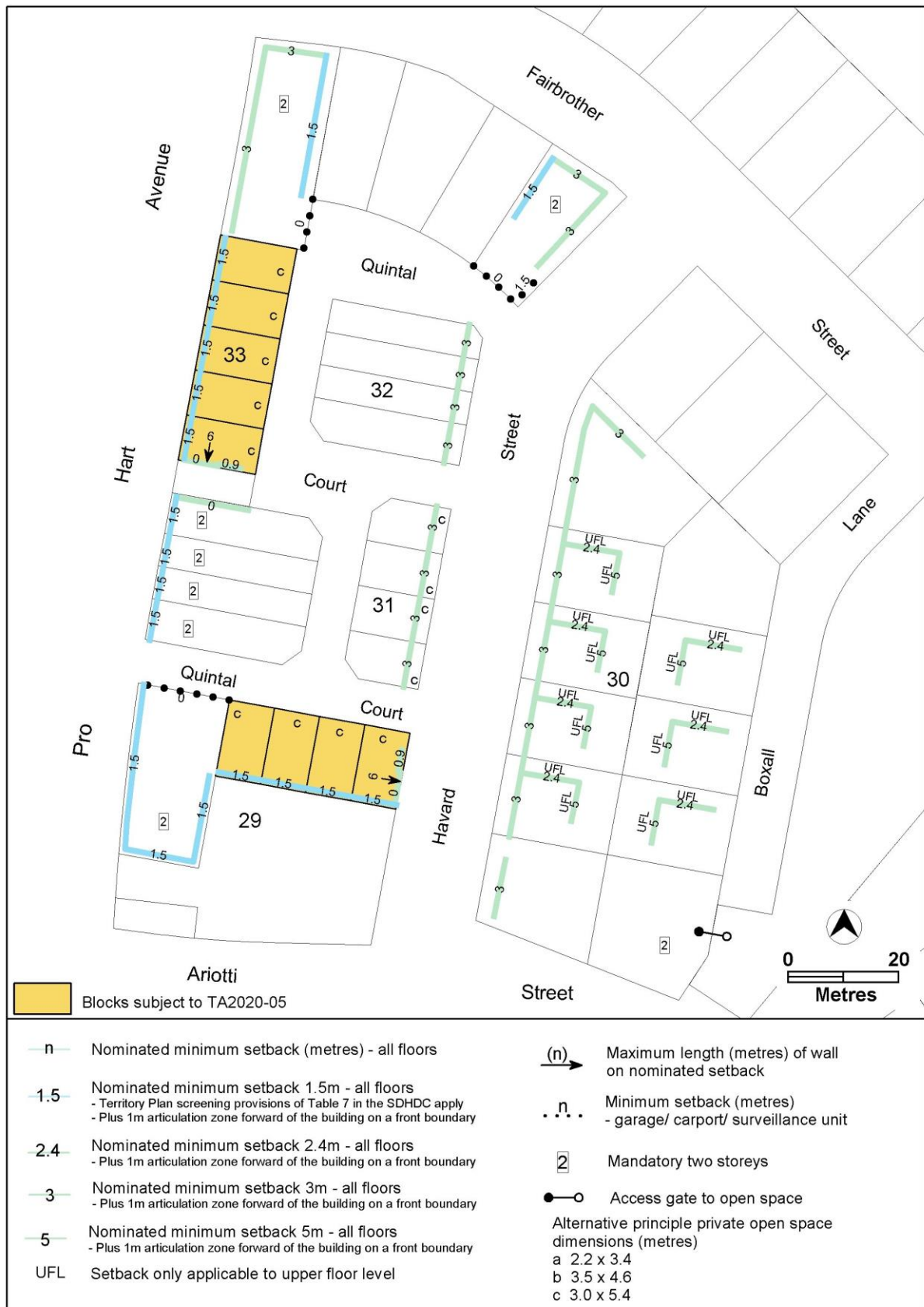


Figure 11 Strathnairn residential area 7

Proposed Figure 11 of the Strathnairn precinct map and code

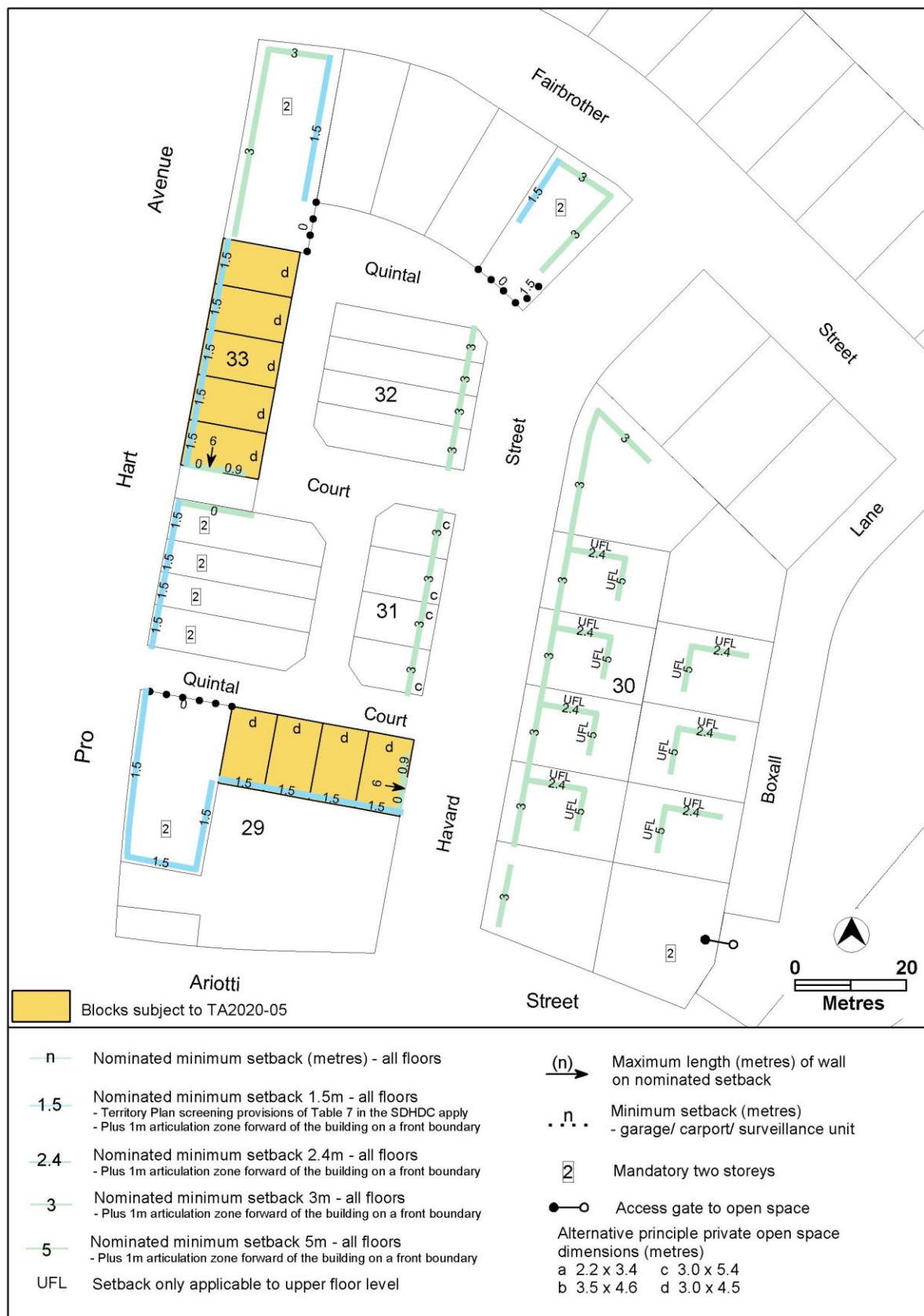


Figure 11 Strathnairn residential area 7

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 Strathnairn Precinct Map and Code

1. RC1 – Residential area, Figure 10 Strathnairn residential area 6

Substitute

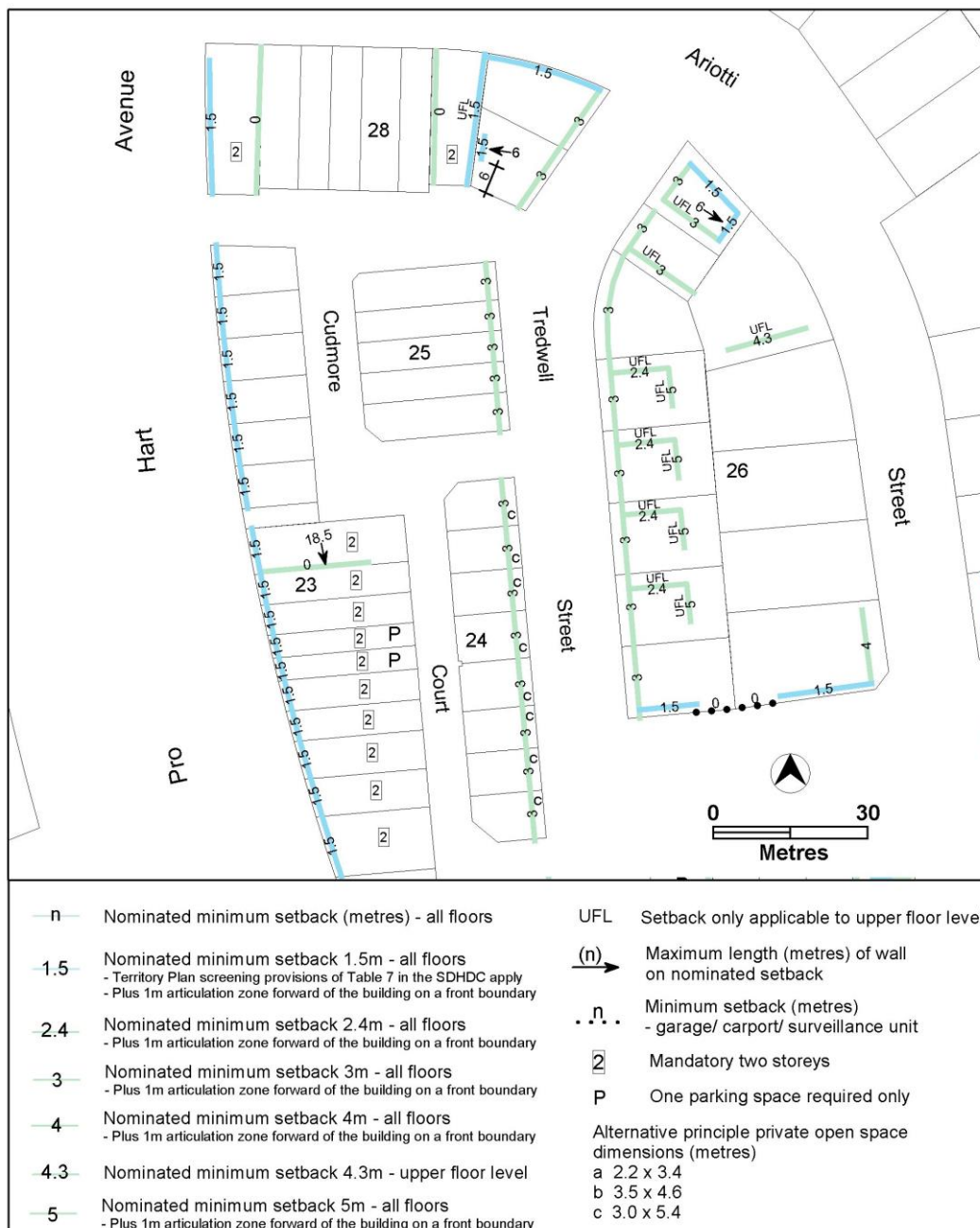


Figure 10 Strathnairn residential area 6

2. RC1 –Residential area, Figure 11 Strathnairn residential area 7

Substitute

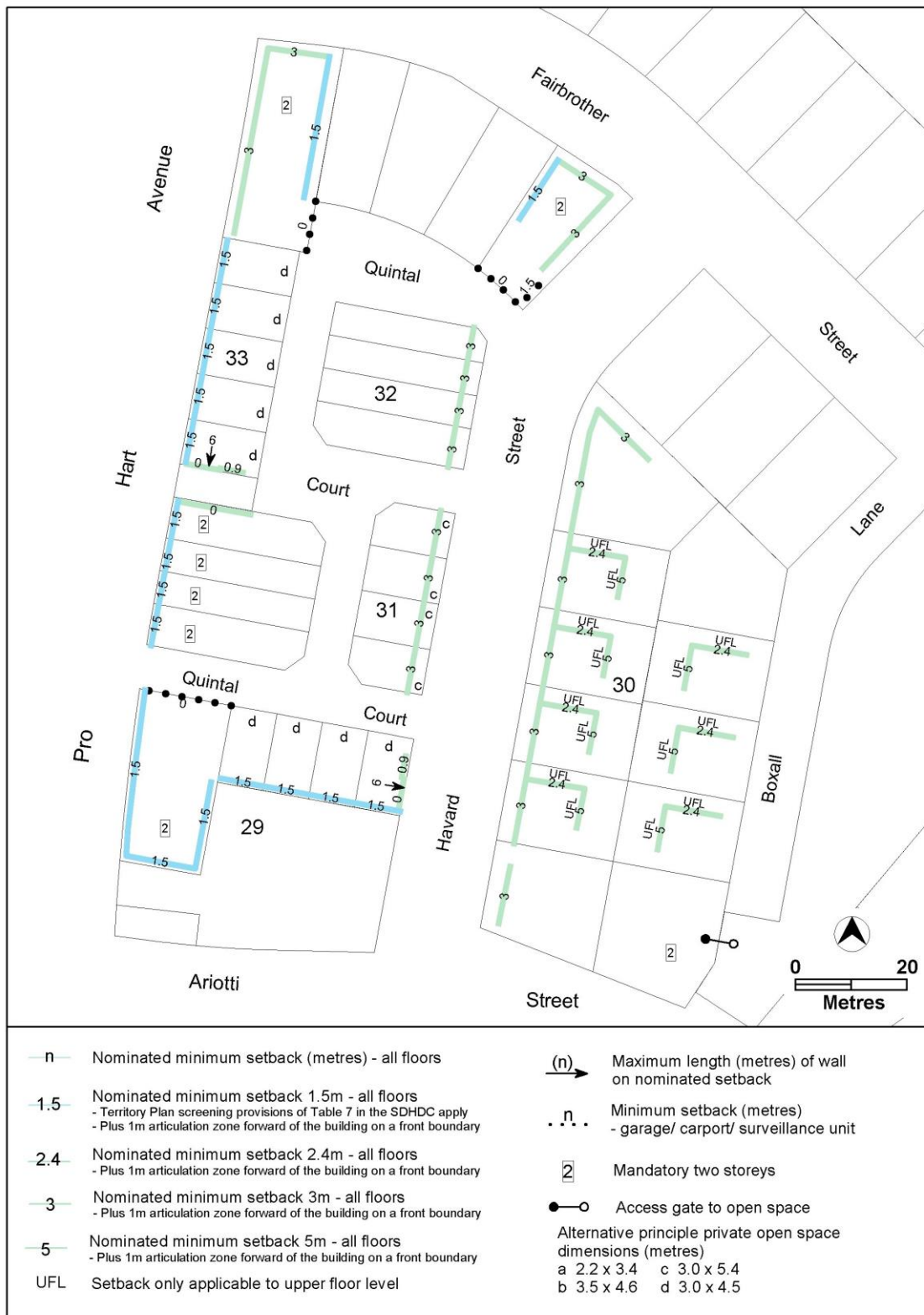


Figure 11 Strathnairn residential area 7