

Planning and Development (Technical Amendment—Code Amendments) Plan Variation 2021 (No 3)

Notifiable instrument NI2021—749

Technical Amendment 2021-14

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—Code Amendments) Plan Variation 2021 (No 3)*.

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 Code Amendments is a technical amendment to the Territory Plan.

4 Dictionary

In this instrument:

Code Amendments means the technical amendment to the Territory Plan, variation 2021-14, in the schedule.

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

Carolyn O'Neill
Delegate of the planning and land authority
14 December 2021



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

Technical Amendment to the Territory Plan

2021-14

Various code amendments

December 2021

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 Territory Plan:

Single Dwelling Housing Development Code

- Amend the title to Tables 2A and 3A to clarify the subdivision date to which the tables refer to.
- Add a note to rules R37, R37A and R41 to clarify that solar access assessments are not required to consider overshadowing from vegetation.

Multi-Unit Housing Development Code

- Add a note to rules R57, R57A, R58 and R61 to clarify that solar access assessments are not required to consider overshadowing from vegetation.

Commercial Zone Development Code

- Amend the table at Part C to include Moncrieff as a group centre.

Community Facility Zone Development Code

- Add a note to Rule 1(c) to clarify that the control relating to supportive housing is limited to considering the dwelling only.

Casey Precinct Code and Map

- Amend the precinct map to identify the location of Casey group centre.

Molonglo and North Weston Structure Plan

- Amend planning requirement 93 by removing the reference to the provision of gas reticulation, consistent with Territory Plan Variation 373.

West Belconnen Concept Plan

- Omit rules and criteria R44/C44 and R44A/C44A in the West Belconnen Concept Plan as the Conservator of Flora and Fauna has determined that the clearance zone for the Little Eagle is no longer required.

1.2 Public consultation

Under section 87(2)(a) of the *Planning and Development Act 2007* (the Act) this type of technical amendment is subject to limited public consultation.

TA2021-14 was released for limited public consultation from Monday 8 November 2021 to Monday 6 December 2021.

One submission was received about rules R37, R37A and R41 of the Single Dwelling Housing Development Code, and rules R57, R57A, R58, and R61 of the Multi-Unit Housing Development Code and rule R1 of the Community Facilities Zone Development Code.

No submissions were received on the proposed changes to the Casey Precinct Code and Map, Commercial Zone Development Code, Molonglo and North Weston Structure Plan or the West Belconnen Concept Plan.

Further information on the submission received and response to the comments are contained in the report on consultation.

Comments received from the public and the National Capital Authority have been considered in the preparation of the final version of TA2021-14. No changes were made to the technical amendment as a result of consultation.

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 NCP 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 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).

Comments received from the public and the National Capital Authority will be taken into account before the planning and land authority “makes” the technical amendment under section 89 of the Act. The planning and land authority must then notify the public of its decision.

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) 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);
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;
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.

TA2021-14 has been prepared as a code variation in accordance with section 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 Single Dwelling Housing Development Code

2.2.1 Setbacks

Rule R11 of the Single Dwelling Housing Development Code provides controls for front boundary setbacks that are applicable to blocks following subdivision; and refers to a series of tables which outline the requirements for large, midsize or compact blocks depending on the date the subdivisions were approved.

The intent of these tables is to refer to the original subdivision date, not any subsequent subdivision of the block, however this is not clear in the title of the tables. Knowing what table to apply is important in achieving the policy intent so that the setbacks requirements are consistent with the surrounding blocks.

By way of example, if a large block within an older established suburb was recently subdivided to create two mid-sized blocks, Table 2A: Front boundary setbacks – large blocks in subdivisions approved before 18 October 1993 should apply instead of Table 3A: Front boundary setbacks – mid-sized and compact blocks in subdivisions approved before 18 October 1993.

The reason being when the original subdivision was approved before 18 October 1993 (when the suburb was first created) the original block was a large block and mid-sized blocks were only created in the later subdivision. Therefore, setback requirements applicable to a large block should continue to apply. Although two mid-sized blocks are created as a result of subdivision, Table 3A applying to mid-sized and compact blocks would result in setbacks that are inconsistent with the surrounding area.

This technical amendment amends Tables 2A and 3A by adding the word 'originally' to the titles of the tables to clarify the subdivision date to which the tables refer to. This will assist in the interpretation of the setbacks that apply to subdivided blocks.

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. This amendment clarifies what the titles of Tables 2A and 3A are referring to, by adding the word “originally”. The changes are consistent with the policy purpose and policy framework of the code.

2.2.2 Solar access assessments

Rules R37, R37A and R41 include controls relating to solar access, specifying requirements for the minimum amount of direct sunlight in daytime living areas and principle private open space for single dwelling housing.

To provide guidance for solar access assessments, this technical amendment adds a note at the foot of each applicable rule to make it clear that overshadowing from vegetation is not considered when assessing solar access.

Note to be added to Rules R37, R37A and R41:

Note:

Overshadowing from vegetation is not considered when assessing solar access.

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. This change clarifies the current policy intent of the rules applying to solar access assessments in Rules R37, R37A and R41. The changes are consistent with the policy purpose and policy framework of the code.

2.3 Variation to the Multi Unit Housing Development Code

Rules R57, R57A, R58 and R61 include controls relating to solar access, specifying requirements for the minimum amount of direct sunlight in daytime living areas and principle private open space for multi-unit housing.

To provide guidance for solar access assessments, this technical amendment adds a note at the foot of each applicable rule to make it clear that overshadowing from vegetation is not considered when assessing solar access.

Note to be added to R57, R57A, R58 and R61:

Note:

Overshadowing from vegetation is not considered when assessing solar access

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. This change clarifies the current policy intent of the rules applying to solar access assessments in Rules R57, R57A, R58 and R61. The changes are consistent with the policy purpose and policy framework of the code.

2.4 Variation of the Commercial Zones Development Code

Within the Commercial Zones Development Code at Part C – Additional controls for group centres, there is a table that lists group centres and the relevant precinct codes which this part applies to.

Moncrieff is a new division (suburb) of the ACT, and its group centre has not yet been added to the list in the Commercial Zones Development Code.

This technical amendment amends the table at Part C by adding Moncrieff to the list of group centres, and Moncrieff as the relevant precinct code.

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 add a new group centre to the list of group Centres at Part C – Additional controls for group centres. The changes are consistent with the policy purpose and policy framework of the code.

2.5 Variation to the Community Facility Zone Development Code

Rule R1 of the Community Facility Zone Development Code provides development controls that supportive housing must comply with. Part I of this rule requires all dwellings to comply with Class ‘C’ of *Australian Standard AS4299 – Adaptable Housing*.

This technical amendment adds a note after Rule R1 that clarifies that the applicability of this control is limited to the dwelling only. It is not intended for this control to consider other elements associated with a dwelling, such as car parking requirements. These other elements are considered in separate codes such as the Access and Mobility General Code and the Parking and Vehicular Access General Code.

Note to be added to R1:

Note: The applicability of this control is limited to the dwelling only
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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. This change provides clarity to Rule R1I of the Community Facility Zone Development Code. The change is consistent with the policy purpose and policy framework of the code.

2.6 Variation to the Casey Precinct Map and Code

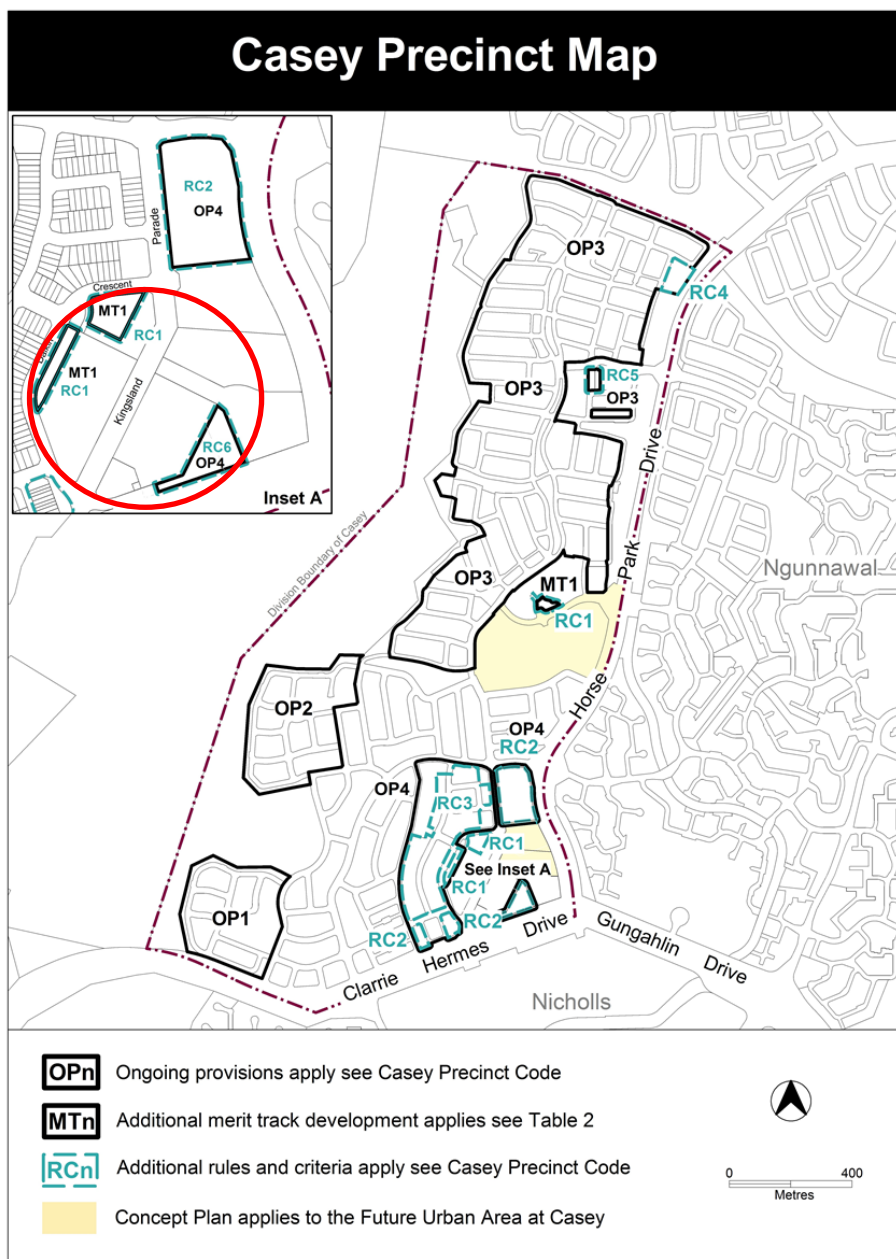
The location of the entire Casey group centre is currently not defined on the Casey Precinct Map. Parts of the group centre are shown, but only where there is an

applicable rule in the Precinct code. Without the group centre clearly identified, there are implications associated with:

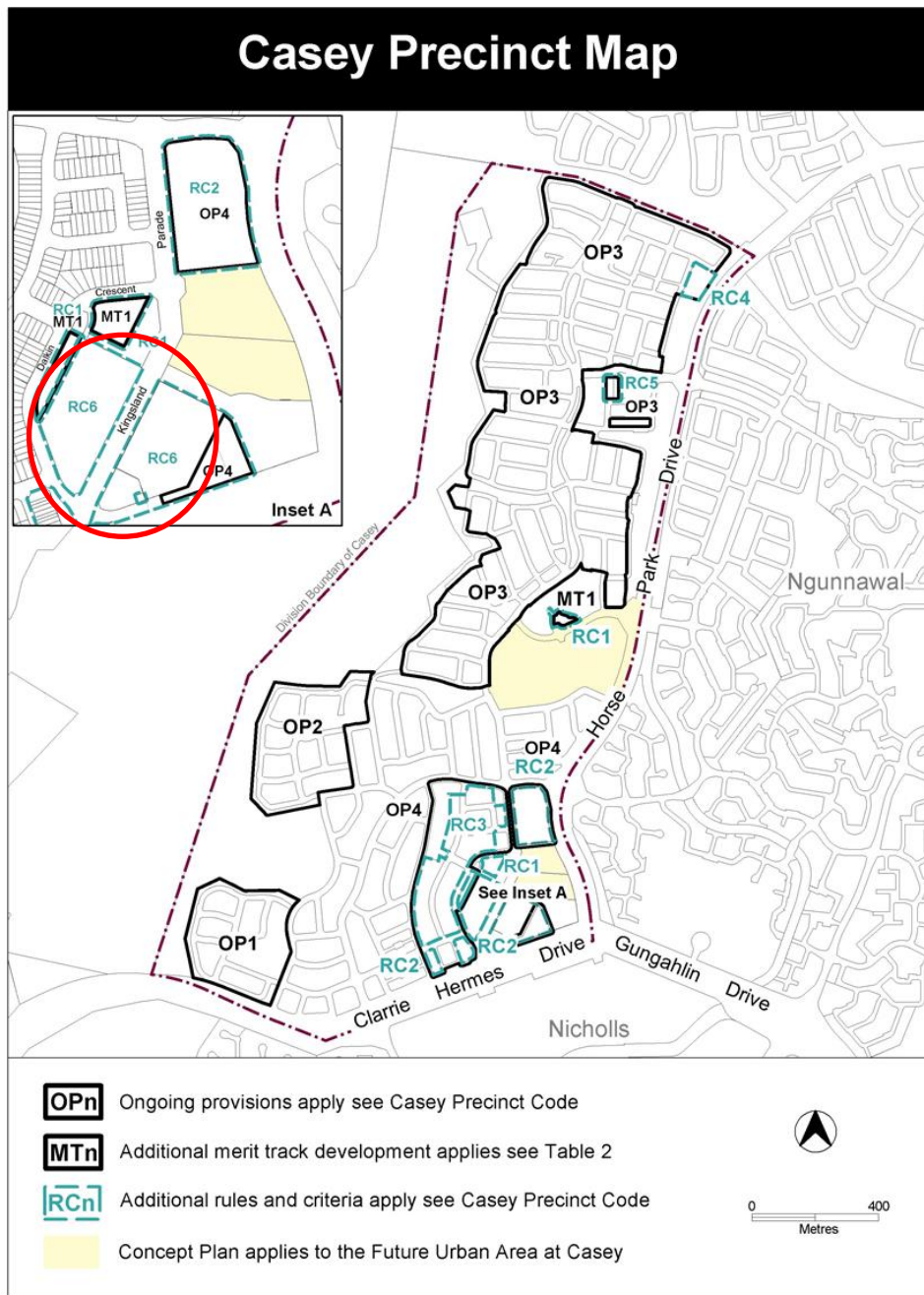
- Additional Rules and Criteria RC6 – Commercial Group Centre of the Casey Precinct Map and Code which includes provisions relating to specific blocks and parcels in the Casey group centre, and
- Other statutory requirements, such as *Environment Protection Regulation 2005*, which are tied to the identification of group centres in precinct maps and codes.

This technical amendment amends the Casey Precinct map to identify the entire location of the group centre.

Existing Precinct Map (location identified by red circle)



Proposed Map (location identified by red circle)



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 identify the location of the group centre and are consistent with the policy purpose and policy framework of the code.

2.7 Variation to the Molonglo and North Weston Structure Plan

Principle 93 of the Molonglo and North Weston Structure Plan requires gas reticulation to be provided during construction along with other infrastructure such as roads, sewerage and town water reticulation. This provision was added to the structure plan to coincide with the provision's incorporation into the Estate Development Code.

Territory Plan Variation 373 – Removal of mandatory gas provision from the Estate Development Code, removed the reference to gas reticulation as a mandatory utility service. In line with V373, this technical amendment removes the reference to the provision of gas reticulation.

Existing principle 93: (the words to be removed are underlined)

93. Provision will be made for the construction of items of infrastructure including, but not limited to roads, sewerage (including pumping stations), town water reticulation (including pumping stations and reservoirs), electricity reticulation (including zone substations and switching stations), gas reticulation, and telecommunications.

Proposed amendment to principle 93

93. Provision will be made for the construction of items of infrastructure including, but not limited to roads, sewerage (including pumping stations), town water reticulation (including pumping stations and reservoirs), electricity reticulation (including zone substations and switching stations) and telecommunications.

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. Variation 373 amended the Estate Development Code to remove the requirement for the mandatory supply of gas reticulation to blocks in new subdivisions. This change is consistent with the policy purpose and policy framework of the code.

2.8 Variation to the West Belconnen Concept Plan

Variation 351 West Belconnen Urban Area introduced a 200m exclusion area around the nesting tree of a breeding pair of Little Eagles, located to the south of Strathnairn. The purpose of the clearance zone was to prohibit development pending the outcome of studies to determine the significance of the habitat for Little Eagles.

Studies undertaken by the Little Eagle Research Group have concluded that the area within the clearance zone does not contain key habitat for the Little Eagle. Consistent

with the findings of the Little Eagle Research Group, the Conservator of Flora and Fauna has determined that the clearance zone is no longer required.

It is proposed that rules and criteria R44/C44 and R44A/C44A in the West Belconnen Concept Plan be omitted, and the Little Eagle clearance zone be omitted from Figure 2 Clearance Zone Map B.

Existing rules and criteria R44/C44 and R44A/C44A

23. Little Eagle Clearance Zone	
<p>R44</p> <p>This rule applies to development outside Strathnairn but still within the 200m Little Eagle clearance zone:</p> <p>No development including infrastructure and construction related activities will be permitted outside Block 1332 or successor (Strathnairn Arts Precinct), within the 200m Little Eagle clearance zone indicated in Figure 2.</p>	<p>C44</p> <p>Development is not permitted until such time as research on the Little Eagle has been completed and the Conservator of Flora and Fauna confirms that the area is suitable for development.</p>
<p>R44A</p> <p>This rule applies to development within Strathnairn that is within the 200m Little Eagle clearance zone:</p> <p>No development will be permitted within Block 1332 or successor (Strathnairn Arts Precinct) inside the 200m Little Eagle clearance zone indicated in Figure 2.</p>	<p>C44A</p> <p>Pending the outcomes of the Little Eagle research, the Conservator of Flora and Fauna may agree to development within Block 1332 or successor (Strathnairn Arts Precinct) inside the 200m Little Eagle clearance zone.</p>

Existing Figure 2

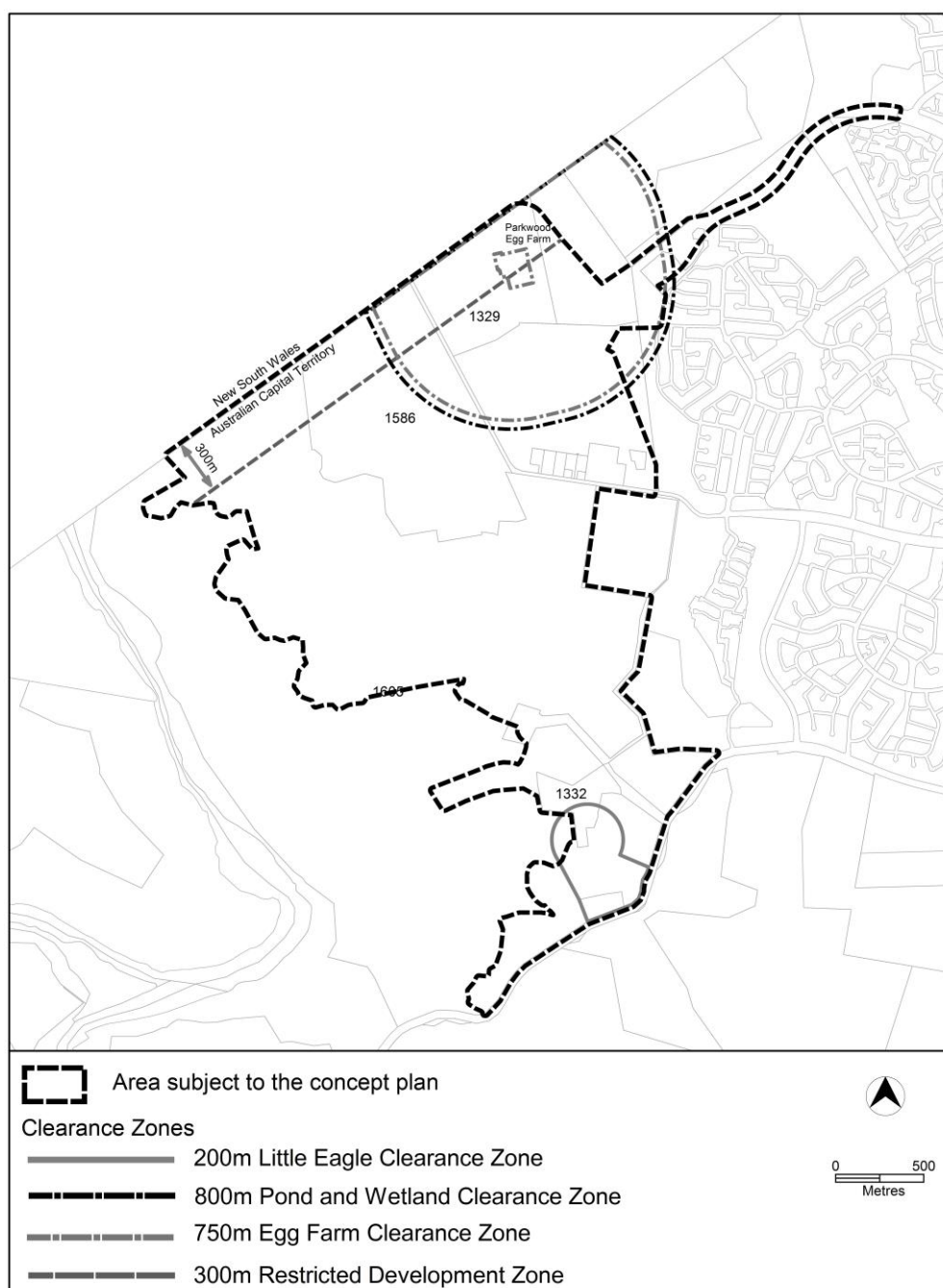


Figure 2 Clearance Zone Map B

Section	Statement
<p>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</p>	<p>Compliant. The amendment only changes a code and is consistent with the policy purpose and framework of the code as it removes the Little Eagle clearance zone which is in line with the decision by the Conservator of Flora and Fauna that the area is now suitable for development.</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 Variation to the Single Dwelling Housing Development Code

1. Table 2A (heading)

Substitute

Table 2A: Front boundary setbacks – large blocks in subdivisions originally approved before 18 October 1993 (refer appendix 1 diagram 1)

2. Table 3A (heading)

Substitute

Table 3A: Front boundary setbacks – mid sized and compact blocks in subdivisions originally approved before 18 October 1993 (refer appendix 1 diagrams 4 and 9)

3. Element 5: Amenity, 5.1 Solar access – blocks which were approved or had a lease granted before 5 July 2013; Rule R37

Substitute

Rules	Criteria
<p>R37</p> <p>This rule applies to <i>blocks</i> approved under an <i>estate development plan</i> before 5 July 2013 or for which a <i>lease</i> was granted before 5 July 2013.</p> <p>The floor or internal wall of a daytime living area of a <i>dwelling</i> is exposed to not less than 3 hours of direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).</p> <p><u>For this rule:</u></p> <p>Daytime living area means a <i>habitable room</i> other than a bedroom.</p> <p>Note: Overshadowing from vegetation is not considered when assessing solar access.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

4. Element 5: Amenity, 5.1A Solar access – blocks which were approved on or after 5 July 2013; Rule R37A

Substitute

Rules	Criteria
<p>R37A</p> <p>This rule applies to <i>blocks</i> approved under an <i>estate development plan</i> on or after 5 July 2013 for:</p> <ul style="list-style-type: none"> a) new <i>dwellings</i> b) additions and alterations, only if the addition or alteration affects: <ul style="list-style-type: none"> i) <i>habitable room</i> (see 1 below) ii) <i>habitable room</i> other than a bedroom (see 2 below) <p>1. Where the <i>front boundary</i> of the block is the <i>northern boundary</i>:</p> <p>A <i>habitable room</i> is provided with a minimum of 4m² of transparent vertical glazing that:</p> <ul style="list-style-type: none"> a) is oriented between 45° east of north and 45° west of north; and b) is not overshadowed at noon on the winter solstice (21 June) by <i>buildings</i> and structures on the subject <i>block</i>, excluding the eaves of the building. <p>2. For all other blocks:</p> <p>A <i>habitable room</i> other than a bedroom is provided with a minimum of 4m² of transparent vertical glazing that:</p> <ul style="list-style-type: none"> a) is oriented between 45° east of north and 45° west of north; and b) is not overshadowed at noon on the winter solstice (21 June) by: <ul style="list-style-type: none"> i) <i>buildings</i> and structures on the subject <i>block</i>, excluding the eaves of the building ii) the 'solar fence' on the <i>northern boundary</i> of the subject <i>block</i>. <p><u>For this rule:</u></p> <p>A. The height of the 'solar fence' is:</p> <ul style="list-style-type: none"> i) in the <i>primary building zone</i> – 3m ii) all other parts of the boundary – 2.3m. <p>B. A roofed outdoor area (e.g. an alfresco area) is not considered to be an eave.</p> <p>Note: Compliance with this rule may be demonstrated through plans, elevations and supporting</p>	<p>C37A</p> <p>One or more daytime living areas is provided with reasonable access to direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).</p> <p><u>For this criterion:</u></p> <p>Daytime living area means a <i>habitable room</i> other than a bedroom.</p>

documentation (e.g. shadow diagrams) showing that the required minimum area of glazing is not overshadowed. Note: Overshadowing from vegetation is not considered when assessing solar access.	
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5. Element 5: Amenity, 5.3 Principal private open space; Rule R41

Substitute

Rules	Criteria
<p>R41</p> <p>At least one area of <i>principal private open space</i> on the block complies with all of the following:</p> <ul style="list-style-type: none"> a) minimum area and dimensions specified in table 8. b) at ground level c) directly accessible from, and adjacent to, a <i>habitable room</i> other than a bedroom d) screened from adjoining public streets and public open space e) located behind the building line, except where enclosed by a courtyard wall f) 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>Note: Overshadowing from vegetation is not considered when assessing solar access.</p>	<p>C41</p> <p><i>Principal private open space</i> achieves all of the following:</p> <ul style="list-style-type: none"> a) is proportionate to the size of the dwelling b) capable of enabling an extension of the function of the dwelling for relaxation, dining, entertainment, recreation, and it is directly accessible from the dwelling c) accommodates service functions such as clothes drying and domestic storage d) is screened from public streets and public open space with pedestrian or cycle paths reasonable access to sunlight to enable year round use

3.2 Variation to the Multi Unit Housing Development Code

6. Element 6: Amenity, 6.1 Solar access – other than apartments, Rule R57

Substitute

Rules	Criteria
<p>R57</p> <p>This rule applies to all multi unit housing on <i>blocks</i> with the exception of blocks subject to R57A.</p> <p>This rule does not apply to <i>apartments</i>.</p> <p>The floor or internal wall of a daytime living area of a dwelling is exposed to not less than 3 hours of direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).</p> <p><u>For this rule:</u></p> <p>Daytime living area means a <i>habitable room</i> other than a bedroom</p> <p>Note: Where a development comprises a mixture of <i>apartments</i> and other multi unit housing, this rule applies to the other multi unit housing, but does not apply to the <i>apartments</i>.</p> <p>Note: To remove any doubt, when assessing a development on a block with existing dwellings, the development must comply and must not cause an existing dwelling to then contravene this requirement. However, if the existing dwelling does not currently comply, the development must not increase the level of non compliance for that other dwelling.</p> <p>Note: Overshadowing from vegetation is not considered when assessing solar access.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

7. Element 6: Amenity, 6.1 Solar access – other than apartments, Rule R57A

Substitute

Rules	Criteria
<p>R57A</p> <p>This rule applies to multi unit housing on <i>blocks</i> approved under an <i>estate development plan</i> on or after 5 July 2013. This rule does not apply to apartments.</p> <p>A daytime living area of each new <i>dwelling</i> is provided with a minimum of 4m² of transparent vertical glazing that:</p> <p>a) is oriented between 45° east of north and 45° west of north; and</p>	<p>C57A</p> <p>One or more daytime living areas in each <i>dwelling</i> is provided with reasonable access to direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).</p> <p><u>For this criterion:</u></p> <p>Daytime living area means a <i>habitable room</i> other than a bedroom</p>

<p>b) is not overshadowed at noon on the winter solstice (21 June) by:</p> <ul style="list-style-type: none"> i) buildings and structures on the subject block ii) the solar fence on the <i>northern boundary</i> of the subject block <p><u>For this rule:</u></p> <p>Daytime living area means a <i>habitable room</i> other than a bedroom</p> <p>The height of the ‘solar fence’ is:</p> <ul style="list-style-type: none"> i) in the <i>primary building zone</i> – <u>3m</u> ii) all other parts of the boundary – <u>2.3m</u> <p>Note: Where a development comprises a mixture of <i>apartments</i> and other multi unit housing, this rule applies to the other multi unit housing, but does not apply to the <i>apartments</i>.</p> <p>Compliance with this rule may be demonstrated through plans, elevations and supporting documentation (e.g. shadow diagrams) showing that the required minimum area of glazing is not overshadowed.</p> <p>Note: Overshadowing from vegetation is not considered when assessing solar access.</p> <p>Note: To remove any doubt, when assessing a development on a block with existing dwellings, the development must comply and must not cause an existing dwelling to then contravene this requirement. However, if the existing dwelling does not currently comply, the development must not increase the level of non compliance for that other dwelling.</p>	
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8. Element 6: Amenity, 6.2 Solar access – apartments; Rule R58

Substitute

Rules	Criteria
<p>R58</p> <p>This rule applies to <i>apartments</i>.</p> <p>The floor or internal wall of a daytime living area of not fewer than 70% of <i>apartments</i> on a site is exposed to not less than 3 hours of direct sunlight between the hours of 9am and 3pm on the winter solstice (21 June).</p> <p>Note: Where a development comprises a mixture of <i>apartments</i> and other multi unit housing, this rule will apply to the <i>apartments</i>.</p> <p>Note: Overshadowing from vegetation is not considered when assessing solar access.</p>	<p>C58</p> <p>Daytime living areas have reasonable access to sunlight.</p>

9. Element 6: Amenity, 6.4 Principal private open space; Rule R61

Substitute

Rules	Criteria
<p>R61</p> <p>Each <i>dwelling</i> has at least one area of <i>principal private open space</i> that complies with all of the following:</p> <ul style="list-style-type: none"> a) located on the site b) has minimum area and dimensions specified in table A9 c) is screened from adjoining public streets and public open space d) is directly accessible from, and adjacent to, a <i>habitable room</i> other than a bedroom e) is not located to the south, south-east or south-west of the <i>dwelling</i>, unless it achieves one or more of the following - <ul style="list-style-type: none"> i) not less than 3 hours of direct sunlight onto 50% of the minimum required area between the hours of 9am and 3pm on the winter solstice (21 June) ii) located at an <i>upper floor level</i> and overlooks a public street or public open space <p>Note: Overshadowing from vegetation is not considered when assessing solar access.</p>	<p>C61</p> <p><i>Principal private open space</i> for each <i>dwelling</i> achieves all of the following:</p> <ul style="list-style-type: none"> a) an area proportionate to the size of the <i>dwelling</i> b) an extension of the function of the <i>dwelling</i> for relaxation, dining, entertainment, recreation c) directly accessible from the <i>dwelling</i> d) service functions such as clothes drying and mechanical services e) reasonable privacy f) reasonable solar access.

3.3 Variation to the Commercial Zones Development Code

10. Part C – Additional controls for group centres

Substitute

Group centre	Relevant precinct code
Amaroo	Amaroo
Calwell	Calwell
Casey	Casey
Charnwood	Charnwood
Chisholm	Chisholm
Conder	Conder
Curtin	Curtin
Dickson	Dickson
Erindale	Wanniassa

Hawker	Hawker
Jamison	Macquarie
Kaleen	Kaleen
Kingston	Kingston
Kambah	Kambah
Kippax	Holt
Manuka	Griffith, Forrest
Mawson	Mawson
Moncrieff	Moncrieff
Wanniassa	Wanniassa
Weston	Weston

3.4 Variation to the Community Facility Zone Development Code

11. Element 1: Restrictions on use, 1.1 Supportive housing; Rule R1

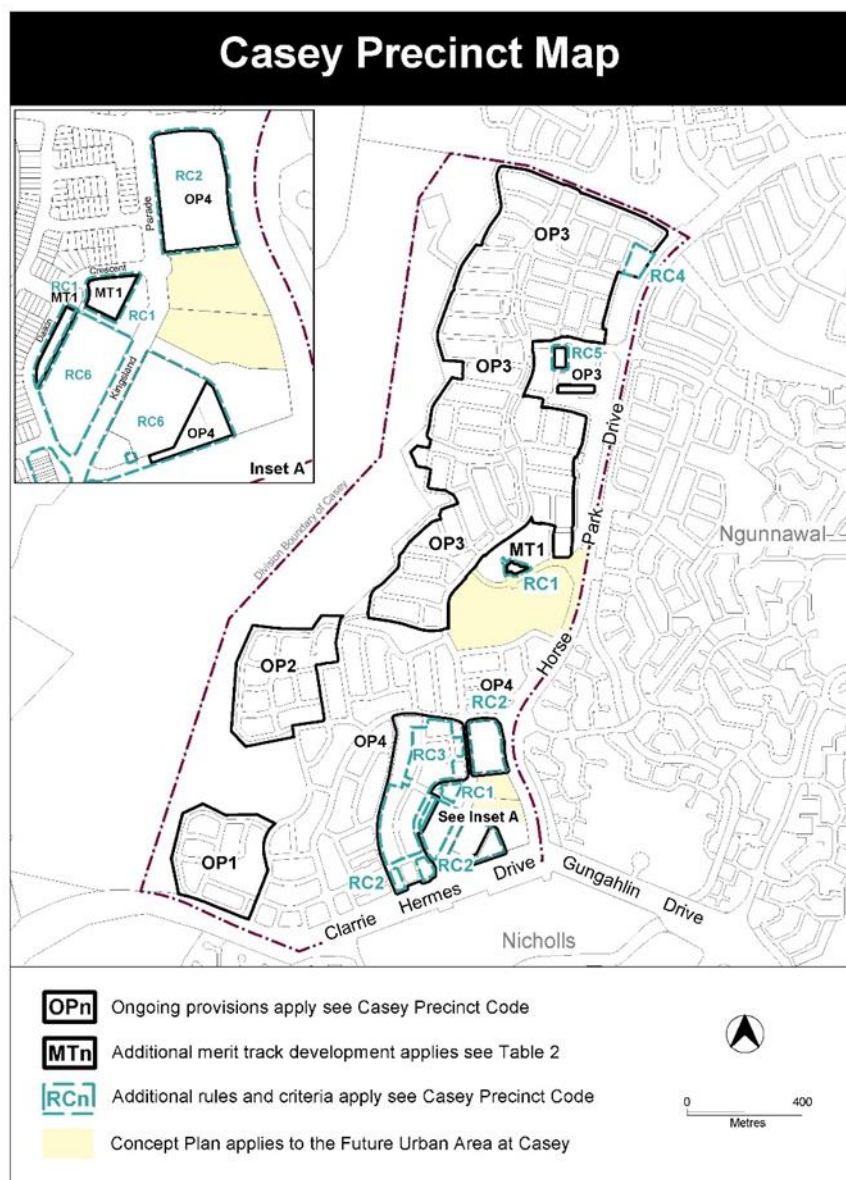
Substitute

Rules	Criteria
<p>R1</p> <p>Development for <i>supportive housing</i> complies with all of the following:</p> <ul style="list-style-type: none"> a) the occupation of individual <i>dwellings</i> in a <i>supportive housing</i> complex is restricted by the lease to persons in need of support b) the site has not been identified in a suburb precinct code as being prohibited for <i>supportive housing</i> c) all dwellings comply with Class 'C' of Australian Standard AS4299 – Adaptable Housing. d) subdivision of a lease developed for <i>supportive housing</i>, including subdivision under the Unit Titles Act 2001, is not permitted. <p>Note: The applicability of this control is limited to the dwelling only.</p>	<p>This is a mandatory requirement. There is no applicable rule.</p>

3.5 Variation to the Casey Precinct Map and Code

12. Casey Precinct Map

Substitute



3.6 Variation to the Molonglo and North Weston Structure Plan

13. 5.15 Infrastructure; 93

Substitute

93. Provision will be made for the construction of items of infrastructure including, but not limited to roads, sewerage (including pumping stations), town water reticulation (including pumping stations and reservoirs), electricity reticulation (including zone substations and switching stations) and telecommunications.

3.7 Variation to the West Belconnen Concept Plan

14. Part B - Subdivision, 23. Little Eagle Clearance Zone

Omit

23. Little Eagle Clearance Zone	
<p>R44</p> <p>This rule applies to development outside Strathnairn but still within the 200m Little Eagle clearance zone:</p> <p>No development including infrastructure and construction related activities will be permitted outside Block 1332 or successor (Strathnairn Arts Precinct), within the 200m Little Eagle clearance zone indicated in Figure 2.</p>	<p>C44</p> <p>Development is not permitted until such time as research on the Little Eagle has been completed and the Conservator of Flora and Fauna confirms that the area is suitable for development.</p>
<p>R44A</p> <p>This rule applies to development within Strathnairn that is within the 200m Little Eagle clearance zone:</p> <p>No development will be permitted within Block 1332 or successor (Strathnairn Arts Precinct) inside the 200m Little Eagle clearance zone indicated in Figure 2.</p>	<p>C44A</p> <p>Pending the outcomes of the Little Eagle research, the Conservator of Flora and Fauna may agree to development within Block 1332 or successor (Strathnairn Arts Precinct) inside the 200m Little Eagle clearance zone.</p>

15.Part B - Subdivision, Figure 2 Clearance Zone Map B

Substitute

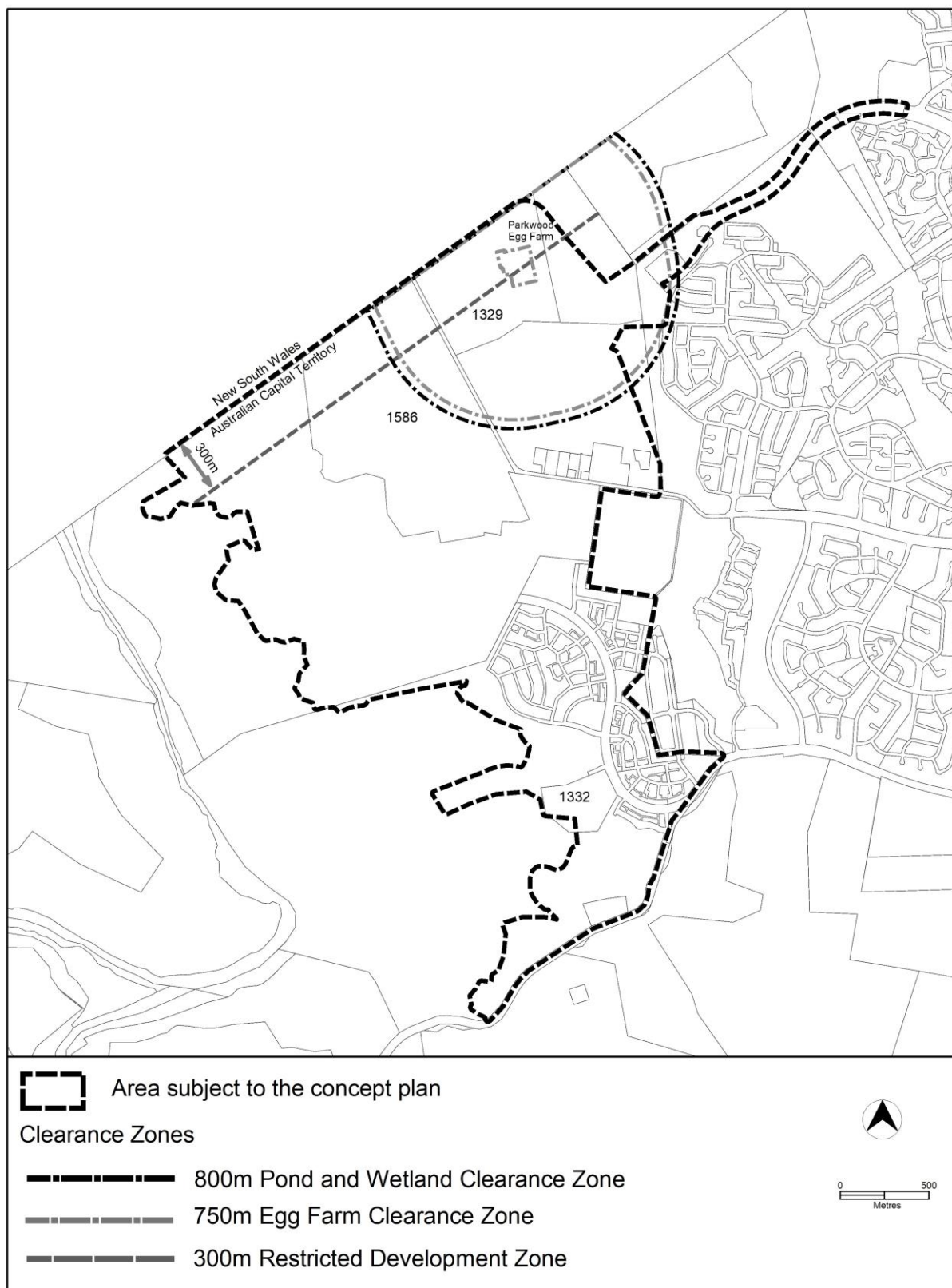


Figure 2 Clearance Zone Map B

Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
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GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
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SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
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