

Planning (Miscellaneous) Minor Plan Amendment 2025 (No 3)

Notifiable instrument NI2025–183

made under the

Planning Act 2023, s 85 (Making minor plan amendments)

1 Name of instrument

This instrument is the *Planning (Miscellaneous) Minor Plan Amendment 2025 (No 3)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Minor plan amendment

I am satisfied under the *Planning Act 2023*, section 85 (1) (a) that Minor Plan Amendment 2025-07 is a minor plan amendment to the Territory Plan.

4 Dictionary

In this section:

Minor Plan Amendment 2025-07 means the minor plan amendment to the Territory Plan in schedule 1.

Freya O'Brien
Delegate of the territory planning authority
4 April 2025



ACT
Government

Territory Planning
Authority

MINOR PLAN AMENDMENT TO THE TERRITORY PLAN 2025–07

**Miscellaneous amendments to
various zone policies and the Inner
North and City District Policy**

This minor plan amendment was prepared
under part 5.3 of the *Planning Act 2023*

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1.0 INTRODUCTION

1.1 Outline of the process

Minor plan amendment 2025-07 (MA 2025-07) to the Territory Plan is a minor plan amendment (MA) prepared under sections 84 (1) (a) and 84 (1) (f) of the *Planning Act 2023* (the Act).

Section 84 of the Act outlines the different types of MAs, some which require limited consultation to be undertaken and some which do not require consultation. This MA is consistent with the provisions under sections 84 (1) (a) and 84 (1) (f) of the Act and therefore no consultation is needed.

Under Section 85 of the Act this type of MA can only be made if the MA is not inconsistent with the planning strategy or any relevant district strategy.

The MA is not inconsistent with the Planning Strategy and the relevant district strategies.

For more information on the content of the Territory Plan and minor plan amendment processes please refer to the planning website:
www.planning.act.gov.au/professionals/our-planning-system/the-territory-plan/amendments-to-the-territory-plan

1.2 Summary of the amendments

This MA makes the following changes:

Belconnen District Policy

- Delete Assessment Requirement 20 b) and reword the remaining parts to remove the plot ratio limit for the RC2 area of Bruce. These limitations for commercial development have been incorporated elsewhere in the Territory Plan and never intended to apply to residential development.

Inner North and City District Policy

- Rectifies an error in Assessment Requirement 46 to clarify that a minimum ground floor to ceiling height of 3.6m applies to the CZ1, CZ2 and CZ3 zones in Dickson.
- Rectifies an omission in Assessment Requirement 108 that resulted during translation from the previous Lyneham Precinct Code.

Commercial Zones Policy

- Rectifies an inadvertent omission by adding 'community garden' as an assessable use in the land use table for all commercial zones.

Industrial Zones Policy

- Rectifies an inadvertent omission by adding 'community garden' as an assessable use in the land use table for the IZ2 industrial mixed use zone.

Community Facility Zone Policy

- Rectifies an inadvertent omission by adding 'community garden' as an assessable use in the land use table.

Parks and Recreation Zones Policy

- Rectifies an inadvertent omission by adding 'community garden' as an assessable use in the land use table for PRZ1 and PRZ2 zones.
- Rectifies an apparent omission from the policy (that is in all other policies) regarding no new gas network connections.

Non-Urban Zones Policy

- Rectifies an inadvertent omission by adding 'community garden' as an assessable use in the land use table for NUZ1, NUZ2 and NUZ3 zones.

2.0 TERRITORY PLAN CHANGES

This section contains details of the changes to be made to the Territory Plan.

2.1 Belconnen District Policy

This minor amendment omits something that is obsolete or redundant in Assessment Requirement 20.

Assessment Requirement 20 b) (AR20b)) states that the total maximum plot ratio across the RC2 area is 80%. As a part of this minor amendment AR20b) will be deleted and the rest of the provision will be reworded for clarity.

The Territory Plan 1993 prohibited residential in the RC2 area of Bruce to develop the land for offices and a technology park. Therefore, the Territory Plan 1993 sought to limit the scale of commercial in this area, namely office development, not residential development.

The Territory Plan 2008 permitted residential uses in the RC2 area which has now been largely realised. In the Territory Plan 2008, the plot ratio provision, criterion 8 of the Bruce Precinct Code, remained and applied to residential development which was not originally intended.

In the Territory Plan 2023, the majority of criterion 8 from the Territory Plan 2008 was incorporated into the assessment outcomes (AO) in the Commercial Zones Policy, specifically AO5 and AO6. However, the plot ratio element from criterion 8 was incorporated as AR20b). As this is now a mandatory control, this is also inconsistent with the Territory Plan 2008.

Noting the above, AR20b) is obsolete or redundant because:

- it is limiting further residential development on the remaining blocks when it was not originally intended to limit residential development
- AO5 and AO6 provides appropriate controls to the scale and impacts of development, consistent with criterion 8 of the Territory Plan 2008.

2.2 Inner North and City District Policy

This minor amendment rectifies errors or omissions in Assessment Requirements 46 and 108.

Assessment Requirement 46 is rectified to clarify that a minimum ground floor to ceiling height of 3.6m applies to the CZ1, CZ2 and CZ3 zones in Dickson. This is consistent with the provision in the previous Dickson Precinct Code.

Assessment Requirement 108 is amended to include details about minor building elements that were inadvertently omitted in translation from the previous Lyneham Precinct Code.

2.3 Zone Policies – ‘community garden’

In the Territory Plan 2008 'community garden' was listed under 'Definitions of Terms' and as common terminology for 'outdoor recreation facility'. This meant it was effectively permitted where outdoor recreation facility was permitted.

In the Territory Plan 2023, 'community garden' is now separately defined as a land use in the Dictionary. The intent was that 'community garden' would be listed in the land use tables in the zone policies where-ever outdoor recreation facility was permitted in the previous Territory Plan. It was also added, as part of the new planning system changes, to the Residential Zones Policy land use table, to be permitted in all residential zones.

The Territory Plan 2023 has 'community garden' listed as permitted in all residential zones, however it was inadvertently left out of the other zones where it would ordinarily be permitted. This minor amendment rectifies this omission and adds the use of 'community garden' to the Commercial Zones Policy, Industrial Zones Policy, Community Facility Zone Policy, Parks and Recreation Zones Policy and Non-Urban Zones Policy.

2.4 Parks and Recreation Zones Policy – no new gas connection

An assessment requirement preventing residential gas connections is in all zone policies, except the Parks and Recreation Zones Policy which was missed in error. This amendment rectifies this omission by adding the assessment requirement to the Parks and Recreation Zones Policy.

3.0 TERRITORY PLAN AMENDMENT INSTRUCTIONS

3.1 Part D: D02 – Belconnen District Policy

Assessment Requirement 20

Substitute:

Control	Assessment Requirement
GFA	20. In accordance with the area 'RC2' on Figure 7, the maximum GFA for a shop is 500m ² .

Hyperlink: 'Figure 7' in Assessment Requirement 20 to the 'Figure 7' figure

3.2 Part D: D03 – Inner North and City District Policy

Assessment Requirement 46

Substitute:

46. The minimum ground floor to ceiling height in the CZ1, CZ2 and CZ3 zones is 3.6m, unless demonstrated the building is adaptable for retail and service trade uses.

Hyperlink: 'Figure 19' in Assessment Requirement 46 to the 'Figure 19' figure

Assessment Requirement 108

Add after the last paragraph:

Minor building elements may exceed the maximum height of building where they do not increase the scale of the building when viewed from a public street. Minor building elements include but are not limited to rooftop plant, photo-voltaic panels, antennas, pergolas and rooftop garden structures. Habitable room, or part thereof, are not minor building elements.

3.3 Part E: E02 – Commercial Zones Policy

[Land Use Table](#)

Add

Land Use / Development Type	CZ1	CZ2	CZ3	CZ4	CZ5	CZ6
Community garden	Y	Y	Y	Y	Y	Y

3.4 Part E: E03 - Industrial Zones Policy

[Land Use Table](#)

Add

Land Use / Development Type	IZ1	IZ2
Community garden	-	Y

3.5 Part E: E04 - Community Facility Zone Policy

[Land Use Table](#)

Add

Land Use / Development Type
Community garden

3.6 Part E: E05 - Parks and Recreation Zones Policy

[Land Use Table](#)

Add

Land Use / Development Type	PRZ1	PRZ2
Community garden	Y	Y

Assessment Requirements

Delete

There are no applicable assessment requirements for development proposals in the parks and recreation zones under this part.

Add

Development proposals in parks and recreation zones must meet the following requirements:

Control	Assessment Requirement
Gas connections	1. No new gas network connections are allowed to all new or existing Class 1-2 buildings as classified under the National Construction Code including redevelopments.

3.7 Part E: E07 - Non-Urban Zones Policy

Land Use Table

Add

Development Type	NUZ1	NUZ2	NUZ3	NUZ4	NUZ5
Community garden	Y	Y	Y	-	-

INTERPRETATION SERVICE

To speak to someone in a language other than English please telephone the Telephone Interpreter Service (TIS) 13 14 50

LANGUAGE	DETAILS
English	If you need an interpreter please call: 13 14 50
Mandarin (Simplified Chinese) / 简体中文	如果您需要翻译，请致电：13 14 50
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Tamil / தமிழ்	உங்களுக்கு மொழிபெயர்த்துரைப்பாளர் ஒருவர் தேவைப்பட்டால் 13 14 50 என்ற எண்ணை அழைக்கவும்
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