

Australian Capital Territory

Planning and Development (Technical Amendment—Miscellaneous Amendment) Plan Variation 2015 (No 1)*

Notifiable Instrument NI2015—81

Technical Amendment No 2015—01

made under the

Planning and Development Act 2007, section 89 (Making technical amendments)

This technical amendment commences on 20 February 2015.

Variation No 2015-01 to the Territory Plan has been approved by the planning and land authority.

Jim Corrigan
Delegate of the planning and land authority
18 February 2015

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ACT
Government

Environment and Planning

Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2015-01

Miscellaneous amendments and removal of
redundant provisions

February 2015

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1. INTRODUCTION

1.1 Purpose

This technical amendment proposes the following changes to the Territory Plan.

Multi Unit Housing Development Code

- Rule R26: rectification of wording in first sentence and correction to reference to table in rule

Industrial Zones Development Code

- Criterion C35: amend wording to refer to correct Crime Prevention Through Environmental Design General Code

Amaroo Precinct Map

- Amend the RC1 Amaroo Group Centre area shown on the Amaroo Precinct Map to include the service station

Casey Precinct Map and Code

- Corrections to Figure 4 and Figure 8

Lawson Precinct Code

- Rectification to omission of BALs from ongoing provisions figure 3

Ngunnawal 2C Concept Plan

- This concept plan is redundant as all future urban area land has been uplifted and ongoing provisions transferred to the relevant precinct code. The concept plan can be removed from the Territory Plan.

1.2 National Capital Authority

The National Capital Authority has been advised of this technical amendment.

1.3 Process

This technical amendment has been prepared in accordance with section 87 of the *Planning and Development Act 2007* (the Act). The planning and land authority must notify the public of the commencement of this technical amendment.

1.4 Types of technical amendments under the Act

The following categories of technical amendments are provided under section 87 of the Act:

- (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 (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
- (c) a variation in relation to a future urban area under section 95 (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);
- (e) a variation to change the boundary of a zone or overlay under section 96A (Rezoning – boundary changes);
- (f) a variation required to bring the territory plan into line with the national capital plan;
- (g) a variation to omit something that is obsolete or redundant in the territory plan;
- (h) a variation to clarify the language in the territory plan if it does not change the substance of the plan;
- (i) a variation to relocate a provision within the territory plan if the substance of the provision is not changed.

Following each item in Part 2 Explanation of this technical amendment is a statement of compliance against the specific criteria for the relevant category of technical amendment.

TA2015-01 has been prepared in accordance with section 87(a) and (g) of the Act.

2. EXPLANATION

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.

2.1 Multi Unit Housing Development Code

Rule R26: rectification of wording in first sentence and correction to reference to table in rule

Current provision

| Rules | Criteria |
|---|--|
| <p>R26</p> <p>This rule does not apply to one or more of the following:</p> <ul style="list-style-type: none"> i) <i>buildings</i> with more than 3 storeys in RZ5 ii) <i>buildings</i> with more than 3 storeys in commercial zones <p><i>Buildings</i> are sited wholly within the building envelope formed by planes projected over the subject <i>block</i> at X° to the horizontal from the height of the solar fence on any <i>northern boundary</i> of an adjoining <i>residential block</i>.</p> <p>The height of the solar fence is:</p> <ul style="list-style-type: none"> A. in the <i>primary building zone</i> – 2.4m B. all other parts of the boundary – 1.8m <p>This rule does not apply to any part of a <i>northern boundary</i> to an adjoining <i>residential block</i> that is used primarily to provide access to the main part of the <i>residential block</i> (ie a “battleaxe” handle). The previous rule applies to this boundary.</p> <p>X° is the apparent sun angle at noon on the winter solstice. For the purposes of this rule values for X are given in table A4B.</p> <p>Refer figure A1.</p> <p>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys</p> | <p>C26</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>. c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>. |

Proposed provision

| Rules | Criteria |
|---|--|
| <p>R26</p> <p>This rule does not apply to <u>either</u> of the following:</p> <ul style="list-style-type: none"> i) <i>buildings</i> with more than 3 storeys in RZ5 ii) <i>buildings</i> with more than 3 storeys in commercial zones <p><i>Buildings</i> are sited wholly within the building envelope formed by planes projected over the subject <i>block</i> at X° to the horizontal from the height of the solar fence on any <i>northern boundary</i> of an adjoining <i>residential block</i>.</p> <p>The height of the solar fence is:</p> <ul style="list-style-type: none"> A. in the <i>primary building zone</i> – 2.4m B. all other parts of the boundary – 1.8m <p>This rule does not apply to any part of a <i>northern boundary</i> to an adjoining <i>residential block</i> that is used primarily to provide access to the main part of the <i>residential block</i> (ie a “battleaxe” handle). The previous rule applies to this boundary.</p> <p>X° is the apparent sun angle at noon on the winter solstice. For the purposes of this rule values for X are given in <u>Table A4</u>.</p> <p>Refer figure A1.</p> <p>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys</p> | <p>C26</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>. c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>. |

2.2 Industrial Zones Development Code

Amend wording in criterion C35 to refer to the correct Crime Prevention Through Environmental Design General Code.

Current provision

| 5.3 Lighting | |
|---|--|
| Rules | Criteria |
| <p>R35</p> <p>External lighting is provided to building frontages, to all pathways, roads/laneways and car parking areas in accordance with</p> | <p>C35</p> <p>External lighting is provided in accordance with the ACT Crime Prevention and Urban Design General Code.</p> |

| | |
|---|--|
| Australian Standard 1158.1.3 <i>Pedestrian Lighting</i> . | |
|---|--|

Proposed provision

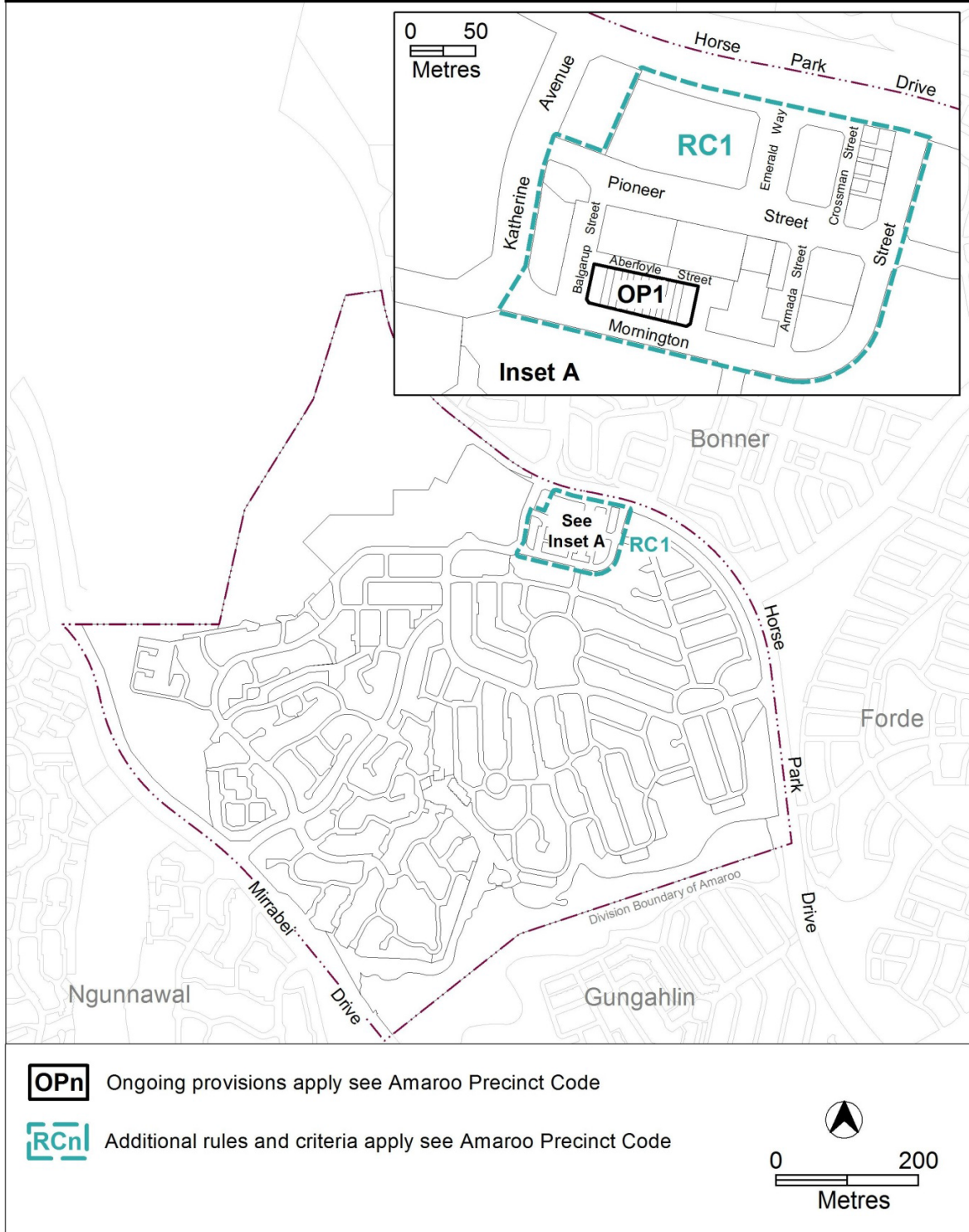
| 5.3 Lighting | |
|--|---|
| Rules | Criteria |
| R35 External lighting is provided to building frontages, to all pathways, roads/laneways and car parking areas in accordance with Australian Standard 1158.1.3 <i>Pedestrian Lighting</i> . | C35 External lighting is provided in accordance with the <u>Crime Prevention Through Environmental Design General Code</u> . |

2.3 Amaroo Precinct Map

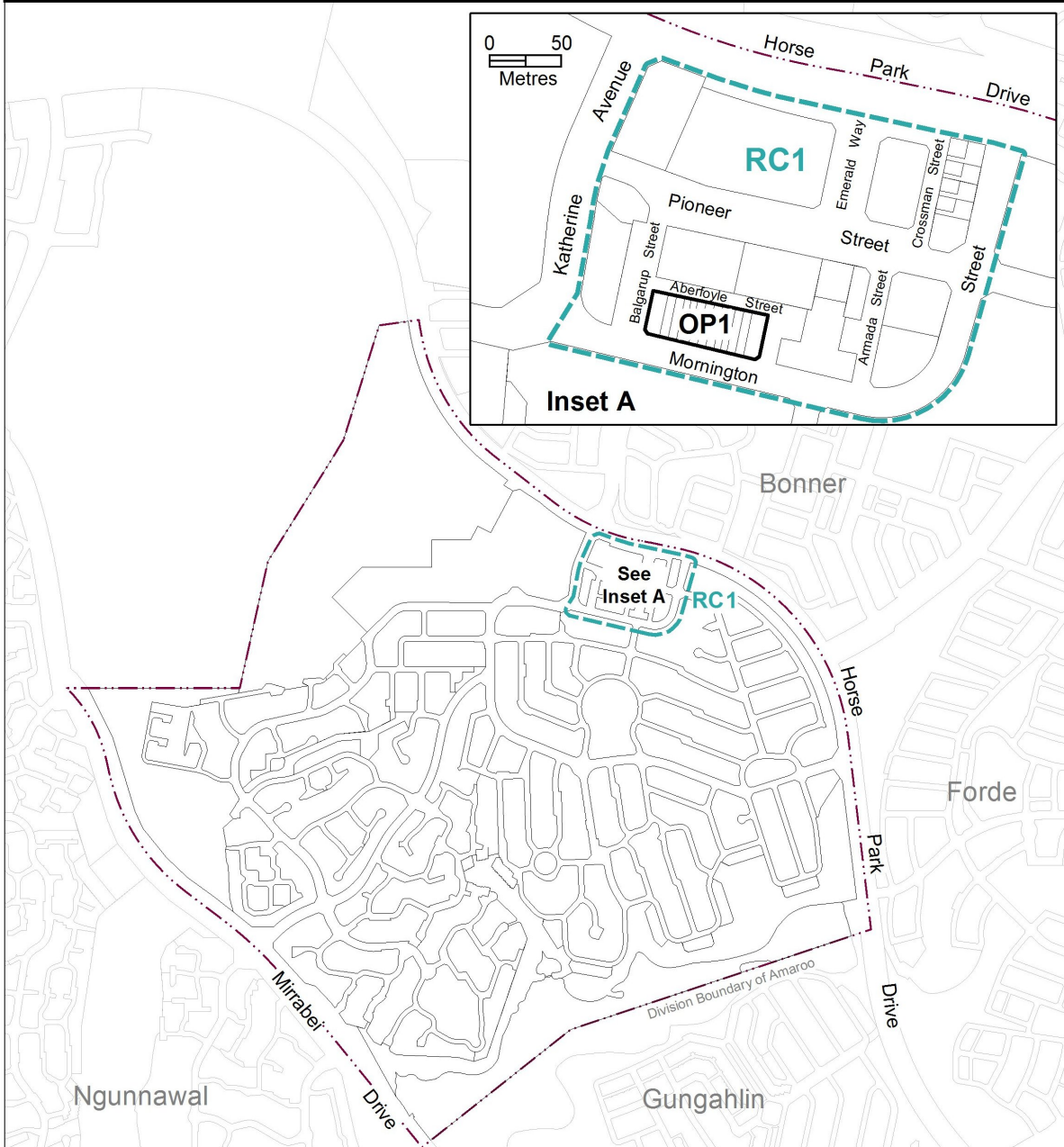
Amaroo Section 106 Block 1 was uplifted from ‘Defined Land’ in 12 April 2006 under the previous Territory Plan. The land use policy over the site was Commercial C precinct ‘c’ (group centre - mixed services) and a service station was established on the site.

The remainder of the Amaroo group centre was uplifted after the new Territory Plan came into effect and the Amaroo Precinct Map and Code was introduced in October 2013. However, the existing service station site (Commercial CZ3 services zone in the new Territory Plan) was inadvertently omitted from inclusion into RC1 Amaroo Group Centre area on the Amaroo Precinct Map. This technical amendment seeks to rectify this omission.

Amaroo Precinct Map



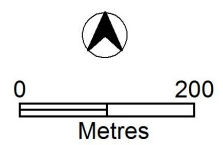
Amaroo Precinct Map



Ongoing provisions apply see Amaroo Precinct Code



Additional rules and criteria apply see Amaroo Precinct Code



2.4 Casey Precinct Map and Code

Replace Figure 4 to rectify the incorrect reference to RC4. The amended diagram shows the correct reference to RC5.

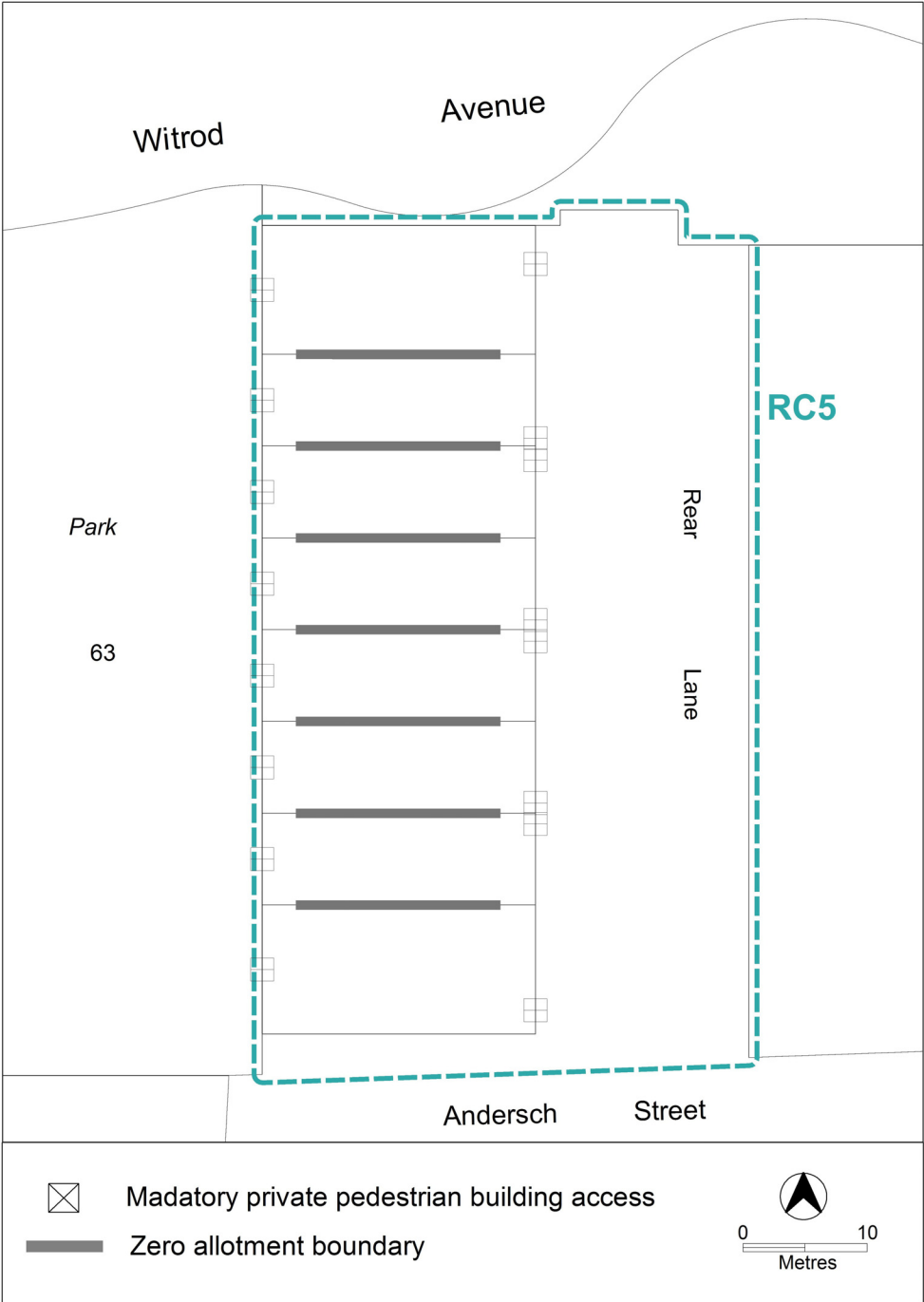


Figure 4 Building and site controls – RC5 Commercial local centre area

Replace Figure 8 with an amended diagram to show allow previous approved ongoing provisions for OP4 that were inadvertently omitted.

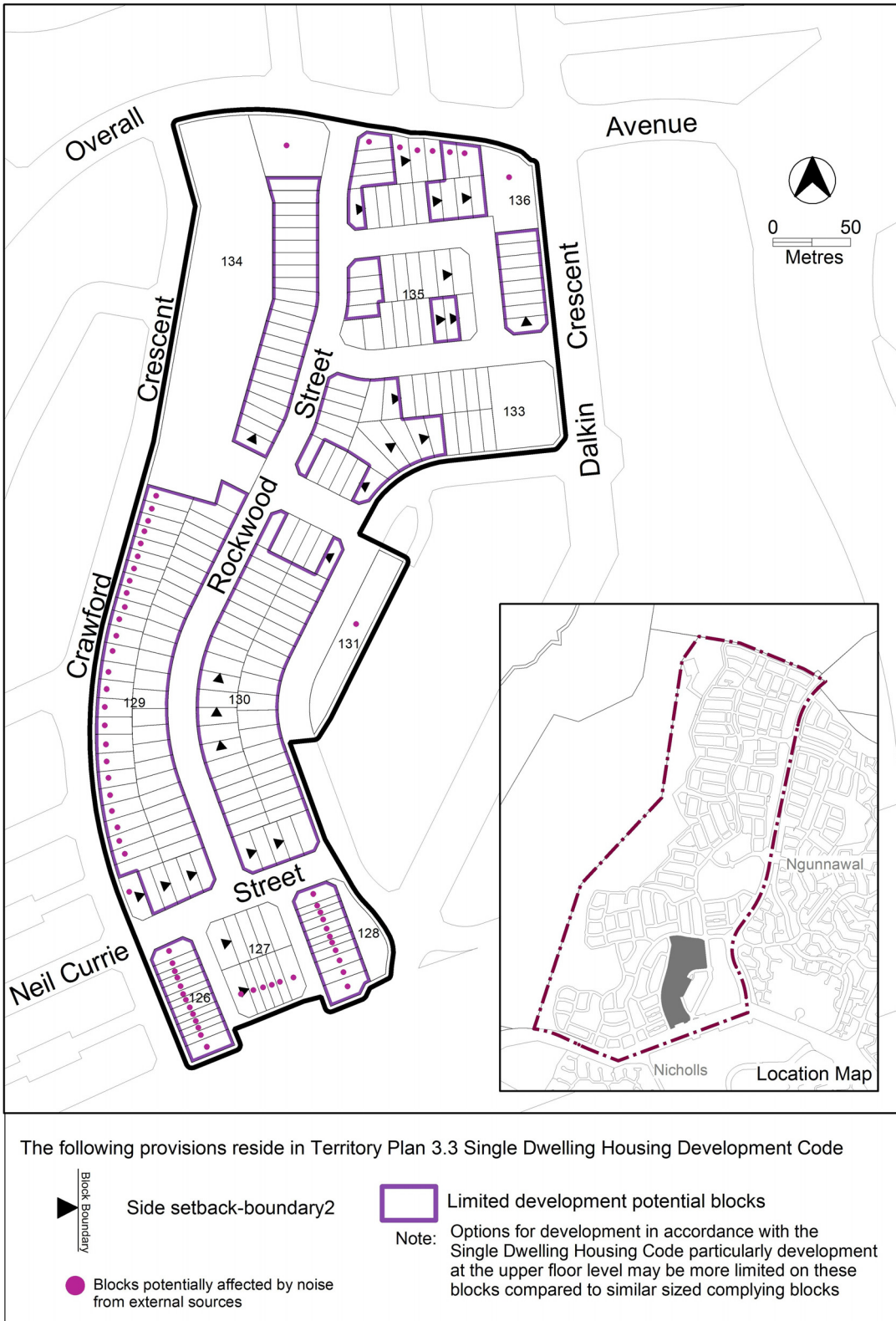


Figure 8 Casey residential area 4

2.5 Lawson Precinct Map and Code

Rectification to omission of BALs from ongoing provisions OP1 Lawson residential area Figure 3

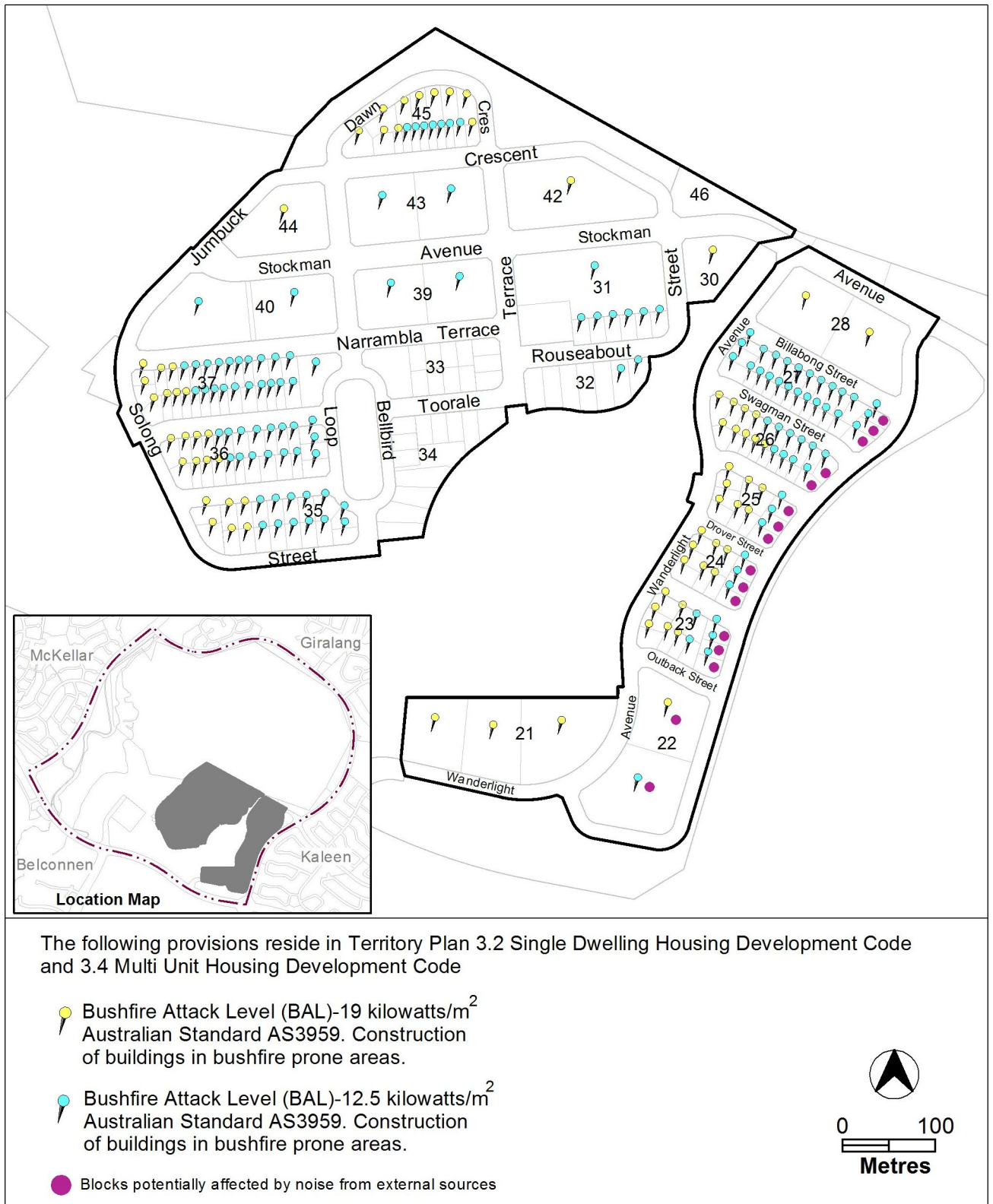


Figure 3

2.6 Ngunnawal 2C Concept Plan

This concept plan is redundant as all future urban area land has been uplifted and ongoing provisions transferred to the relevant precinct code. The concept plan can be removed from the Territory Plan online.

2.7 Compliance with *Planning And Development Act 2007*

| Section | Statement |
|--|--|
| s87(a). 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 | Compliant. This technical amendment has been prepared to correct formal errors to various development codes and precinct codes as detailed in section 2 above. |

| Section | Statement |
|--|--|
| s87(g). a variation to omit something that is obsolete or redundant in the territory plan | The removal of the Ngunnawal 2C concept plan is compliant with s87(g) of the Act as all blocks in Ngunnawal 2C have been uplifted and are no longer under a future urban area overlay. The concept plan only applies to land under a future urban area overlay (known as Defined Land Overlay under the previous Territory Plan pre-2008). |

3. TECHNICAL AMENDMENT

This section of the technical amendment document provides the actual instructions for implementing the changes to the Territory Plan.

3.1 Multi unit housing development code

1. Part A – General controls; Element 3: Building and site controls; Item 3.20 Building envelope – all blocks except buildings over 3 storeys in RZ5 and commercial zones, R26

Substitute

| Rules | Criteria |
|---|--|
| <p>R26</p> <p>This rule does not apply to either of the following:</p> <ul style="list-style-type: none"> i) <i>buildings</i> with more than 3 storeys in RZ5 ii) <i>buildings</i> with more than 3 storeys in commercial zones <p><i>Buildings</i> are sited wholly within the building envelope formed by planes projected over the subject <i>block</i> at X° to the horizontal from the height of the solar fence on any <i>northern boundary</i> of an adjoining <i>residential block</i>.</p> <p>The height of the solar fence is:</p> <ul style="list-style-type: none"> A. in the <i>primary building zone</i> – 2.4m B. all other parts of the boundary – 1.8m <p>This rule does not apply to any part of a <i>northern boundary</i> to an adjoining <i>residential block</i> that is used primarily to provide access to the main part of the <i>residential block</i> (ie a “battleaxe” handle). The previous rule applies to this boundary.</p> <p>X° is the apparent sun angle at noon on the winter solstice. For the purposes of this rule values for X are given in Table A4.</p> <p>Refer figure A1.</p> <p>Note: To remove any doubt, the reference to a building with more than 3 storeys is a reference to the whole building, not just that part of the building over 3 storeys</p> | <p>C26</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>. c) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i>. |

3.2 Industrial zones development code

2. Part B – General Development Controls; Element 5: Amenity; Item 5.3 Lighting, C35

Substitute

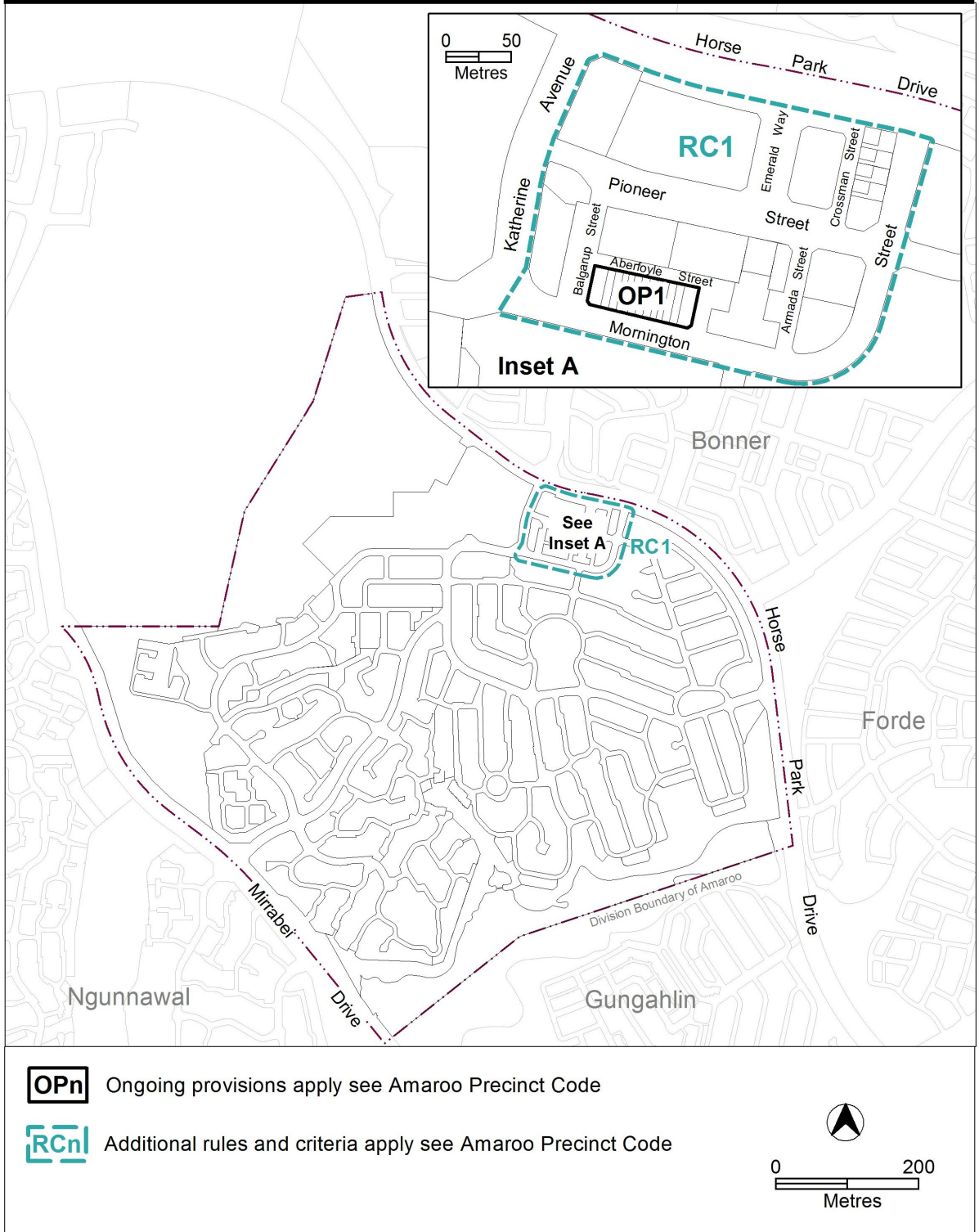
| 5.3 Lighting | |
|--|---|
| Rules | Criteria |
| R35 External lighting is provided to building frontages, to all pathways, roads/laneways and car parking areas in accordance with Australian Standard 1158.1.3 <i>Pedestrian Lighting</i> . | C35 External lighting is provided in accordance with the Crime Prevention Through Environmental Design General Code. |

3.3 Amaroo Precinct Map and Code

3. Amaroo Precinct Map

Substitute

Amaroo Precinct Map



3.4 Casey Precinct Map and Code

4. Casey Precinct Code

Substitute



Figure 4 Building and site controls – RC5 Commercial local centre area

Substitute

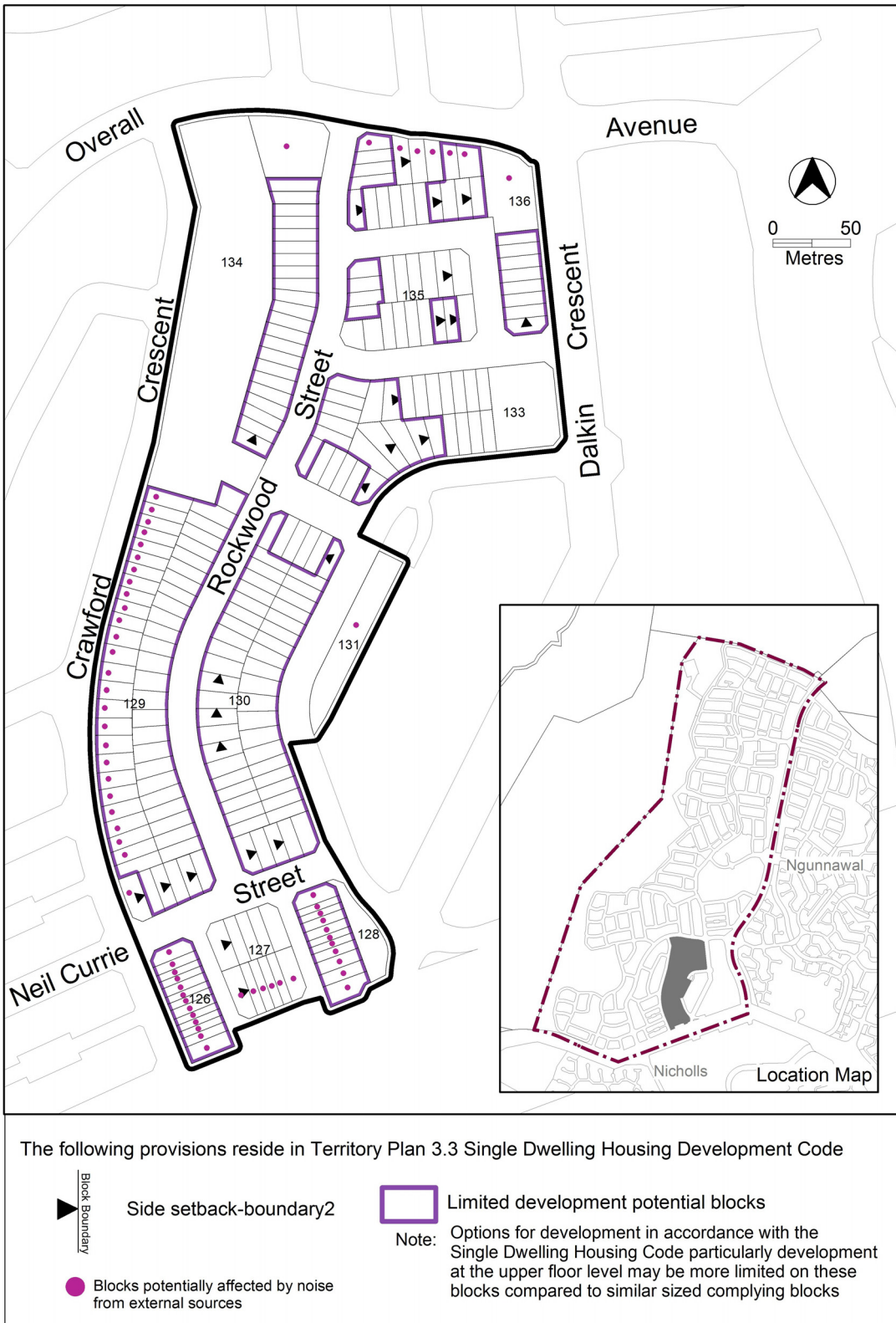


Figure 8 Casey residential area 4
3.5 Lawson Precinct Map and Code

5. Lawson Precinct Code

Substitute

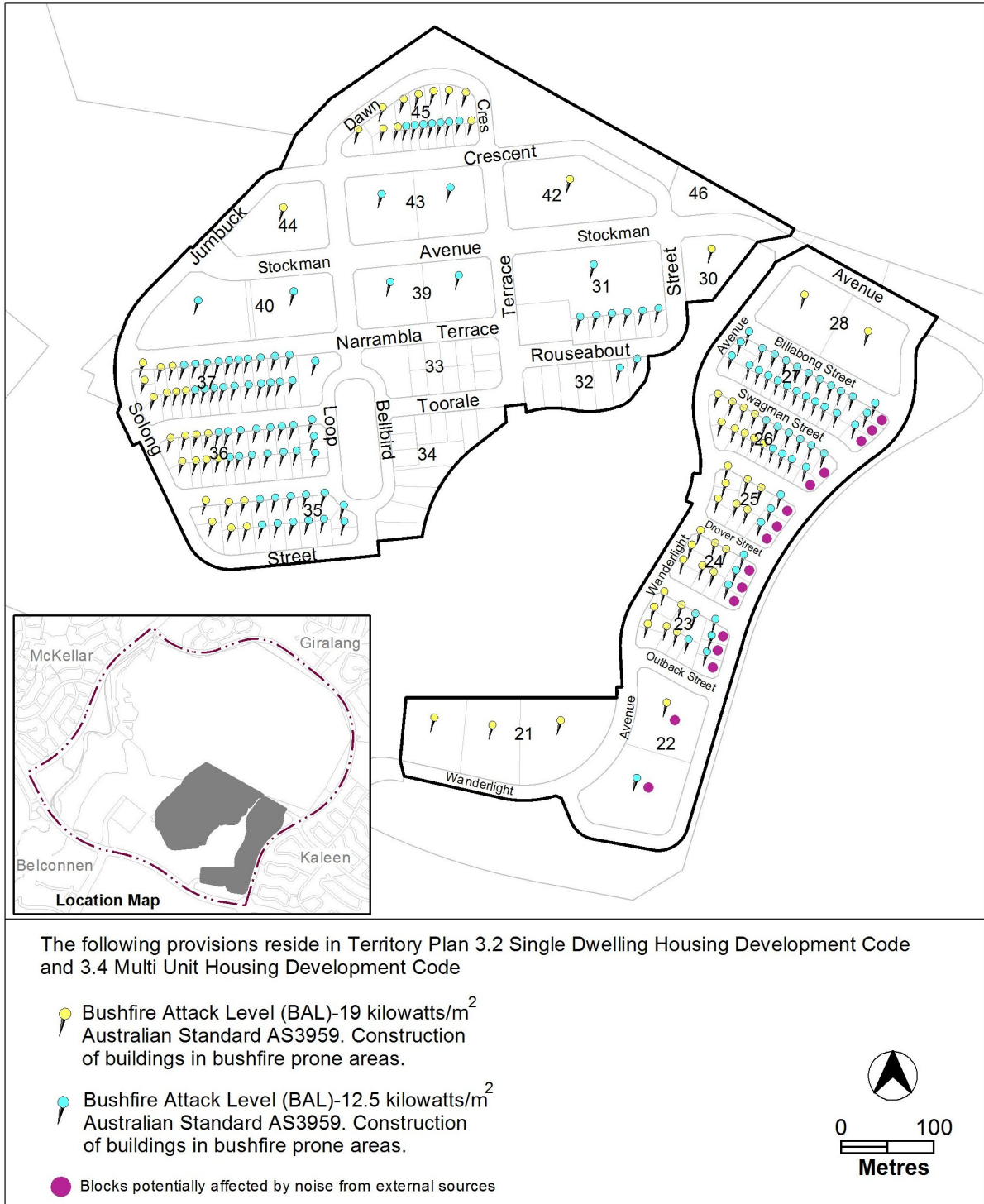


Figure 3
3.6 Ngunnawal 2C Concept Plan

6. Territory Plan part 15 Concept Plans – Precinct Codes for Section 93 of the Planning and Development Act 2007

Delete

15.7 Ngunnawal 2C

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 | Ако вам је потребна помоћ преводиоца телефонирајте: |
| SPANISH | Si necesita la asistencia de un intérprete, llame al: |
| TURKISH | Tercümana ihtiyacımız 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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