

Australian Capital Territory

Planning and Development (Technical Plan Variation—Residential Zones Code) Notice 2008*

Notifiable instrument NI2008—358

Technical Variation No 2008-03

made under the

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

This instrument (and the plan variation in it) commences on the day after it is notified.

Variation No 2008–03 to the Territory Plan has been approved by the Planning and Land Authority

The variation specifies minor amendments to the Inner North Precinct Code as detailed in Annexure A.

Jacqui Lavis
Delegate of the Planning and Land Authority
27 August 2008

*Name amended under Legislation Act, s 60



Planning & Development Act 2007

**Technical Amendment
to the Territory Plan
Code Variation
V2008-03**

Amendments to the
Inner North Precinct Code

August 2008

Table of Contents

1. INTRODUCTION	4
Outline of the process	4
2. EXPLANATORY STATEMENT	4
Background	4
Proposed Changes and Reasons	4
3. TECHNICAL AMENDMENT	7
Variation to the Territory Plan Inner North Precinct Code	7

1. INTRODUCTION

Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Land Act 2007* establishes the ACT Planning and Land Authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary.

Technical amendments to the Territory Plan are prepared in accordance with the *Planning and Development Act 2007* (the Act). A code variation is a technical amendment 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.

Following the release of the code variation under section 90 of the Act, submissions from the public are invited. At the conclusion of the limited consultation period, any representations are considered by the ACT Planning and Land Authority (the Authority). The Authority then determines a day when the code variation is to commence by way of a commencement notice.

2. EXPLANATORY STATEMENT

Background

The ACT Planning and Land Authority, with reference to comments received from industry and the community, have been working to ensure that the new Territory Plan (2008) is as easy to interpret as possible. This process has identified issues arising from the translation of Section Master Plan guidelines into the new Territory Plan's code structure. The changes outlined below have been proposed to clarify uncertainties within the precinct code.

Proposed Changes and Reasons

A. Subdivision of blocks - reword *Inner North Precinct Code* at Part A, R3.

Wording is proposed to be amended to include the word 'minimum' to describe required block amalgamations and clarify that amalgamation of more than the minimum number of blocks indicated in the control plans is permitted. As reference to 'integrated developments' is covered in the Multi-Unit code R28, it is no longer required in R3 of the *Inner North Precinct Code*. Reference to integrated developments is therefore proposed to be removed from this rule.

B. Front setbacks - new wording in *Inner North Precinct Code* at Part A, Element 2, section 2.3.

A General Development Control Rule in Element 2 - Front Setbacks has been omitted from the Code. The rule is to identify that all front setbacks are 6m unless otherwise stated in part C of the code. This is proposed to be included in an amended rule in section 2.3 Front Setbacks.

C. Front setbacks to corner blocks - Reword *Inner North Precinct Code* at Part A, Element 2, R6

Rule R6 refers to setbacks specified in Control Plan (Part B) however these setback specifications have been omitted from the plans. The wording is therefore proposed to be amended to address this omission.

D. Application of site coverage rules - Reword *Inner North Precinct Code* at Part A, Element 2, R13.

In older section master plan areas where the majority of blocks are already redeveloped the application of rule R13 on blocks where this rule did not previously apply is not considered effective or equitable. Sections 15, 16, 58 and 59 Braddon are proposed to be exempted from R13. O'Connor Section 40 adjacent open space is also exempt from this rule to encourage surveillance and prospect into the open space.

Other cases where this site coverage control rule previously did not apply have been identified. It is not proposed that these other cases be exempt as application of the rule will have positive landscape conservation and design outcomes on either a group of adjacent blocks or largely un-redeveloped Sections.

E. Obsolete site specific setback rules - reword *Inner North Precinct Code* at Part C(1), Element 2, R25 & R26, Part C(2), Element 2, R32-40.

The site specific setback rules included in R25, R26 and R32-40 are obsolete and are proposed to be removed. These site specific setback requirements are no longer necessary given the universal building envelope requirements.

These site specific rules also contain an erroneous reference to requirement C(3) R 3.3.7. Removing these site specific setback rules will also remove the reference that should have referred to R126 in the Multi-Unit Housing Development Code.

F. Building envelope – dual frontage Development – reword *Inner North Precinct Code* at Part A, Element 2, R10 & C11

As part of the translation of guidance to code no advice exists on siting for dual frontage designs as it relates to rule R10. The concept of a secondary building frontage, and the depth of this secondary building frontage based on the depth of blocks was not translated from the Section Master Plans. Figure 1-Dual Frontage Design requires notation to explain the required outcomes. In addition to the notation of figure 1, sections included in the Section Master Plan guidance are proposed to be included in the code to demonstrate the application of the rule. Criteria C11 provides the

explanatory benefits of dual frontage design but is not clearly written in the form of criteria.

G. Articulation zones – replace existing Figure 2 in *Inner North Precinct Code*.

Changes have been made to Figure 2 Articulation Zone. The additional notation is to ensure that the drawing clearly identifies that the articulation zone is behind the front building line.

H. Interface – reword *Inner North Precinct Code* at Part A, Element 3 R18.

R18 applies to RZ4 zone and was designed to avoid single blocks with single storey dwellings being left out of redevelopment and being isolated between redeveloped blocks. An erroneous reference to RZ3 Zones in Turner exists in the rule and is proposed to be removed.

I. Site specific height rule – Section 44 – reword *Inner North Precinct Code* at Part C(3), Element 2 R45.

Rule 45 limits building height to a maximum 2 storeys for blocks in Section 44 however only the 'secondary building zone' is meant to be limited to 2 storeys. Development to 3 storeys is to be permissible in the primary building zone (to the front street setback).

J. Control Plan – Braddon – at Part B in the *Inner North Precinct Code*, replace existing 'Control Plan – Braddon'.

In the translation from the Section Master Plans to the *Inner North Precinct Code*, the boundary of the area that is covered by the code inadvertently did not include a section.

K. Associated changes – changes will be made to the subtitles and page numbers contained in the contents pages for the *Inner North Precinct Code* to reflect the changes outlined above.

3. TECHNICAL AMENDMENT

Variation to the Territory Plan Inner North Precinct Code

Amend the Territory Plan at Part 3.4, Inner North Precinct Code as follows:

- 1) At Part A – General Development Controls - substitute the existing section 2.1 titled ‘Subdivision’ with the following:

Rules	Criteria
2.1 Subdivision	
R3 Required minimum block amalgamations are specified in the Control Plans (Part B)	This is a mandatory requirement. There is no applicable criterion.

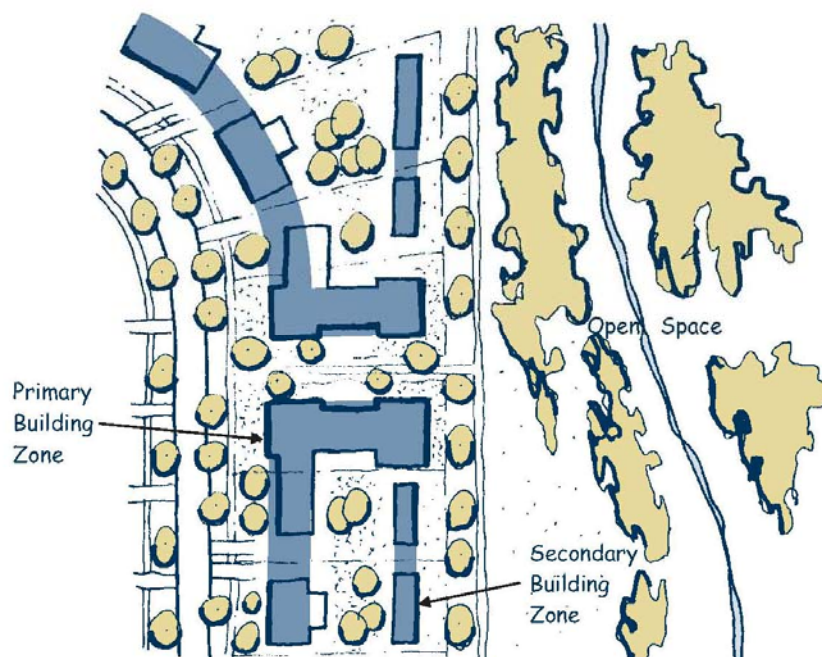
- 2) At Part A – General Development Controls – substitute the existing section 2.3 titled ‘Front Setbacks’ with the following:

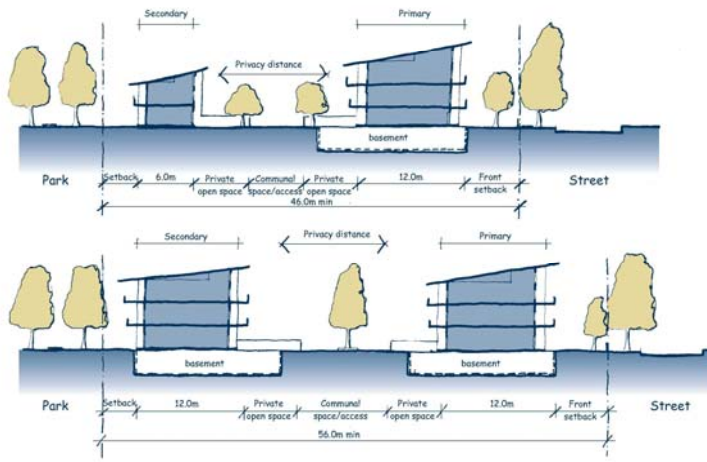
Rules	Criteria
2.3 Front Setbacks	
R6 Minimum front street setbacks are 6m unless otherwise specified in Part C of the code (Site specific controls) On corner blocks identified as requiring corner treatment in the control plan (Part B) buildings must be built to the specified minimum front street setback.	This is a mandatory requirement. There is no applicable criterion.
R7 No building or design elements including basement structure are to be located forward of the specified minimum front setback.	This is a mandatory requirement. There is no applicable criterion.

- 3) At Part A – General Development Controls – substitute C11 in the existing section 2.5 titled ‘Building Envelope’ with the following:

Rules	Criteria
2.5 Building Envelope	
There is no applicable rule	<p>C11</p> <p>Where dual frontage design is required for development on blocks specified in the Control Plan development is to;</p> <ul style="list-style-type: none"> a) Maximise building frontage to both the main street address from the primary building zone and frontage to public space or secondary street frontage from the secondary building zone. b) Provide and maximise overlooking and prospect into open spaces including pedestrian laneways from living areas within dwellings of the development. c) Promote the increased use (including walking and cycling) of open space by providing access to and overlooking of open spaces.

- 4) At Part A – General Development Controls – substitute Figure 1 titled ‘Dual frontage design’ with the following:

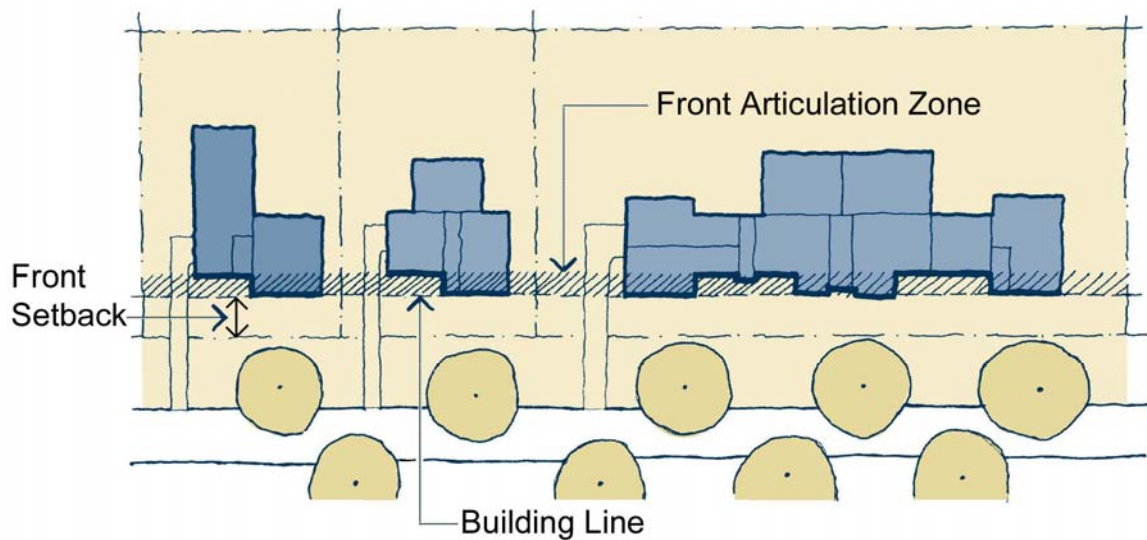




- 5) At Part A – General Development Controls - substitute the existing R13 at section 2.6 titled ‘Site Coverage’ with the following:

Rules	Criteria
2.6 Site Coverage	
<p>R13</p> <p>Maximum site coverage in the Rear Zone does not exceed 30%.</p> <p>Braddon Sections 15, 16, 58 and 59 are exempt from this rule.</p> <p>O'Connor Section 40 is exempt from this rule.</p> <p>Note: A basement structure that projects into the Rear Zone is included in calculations of site coverage.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

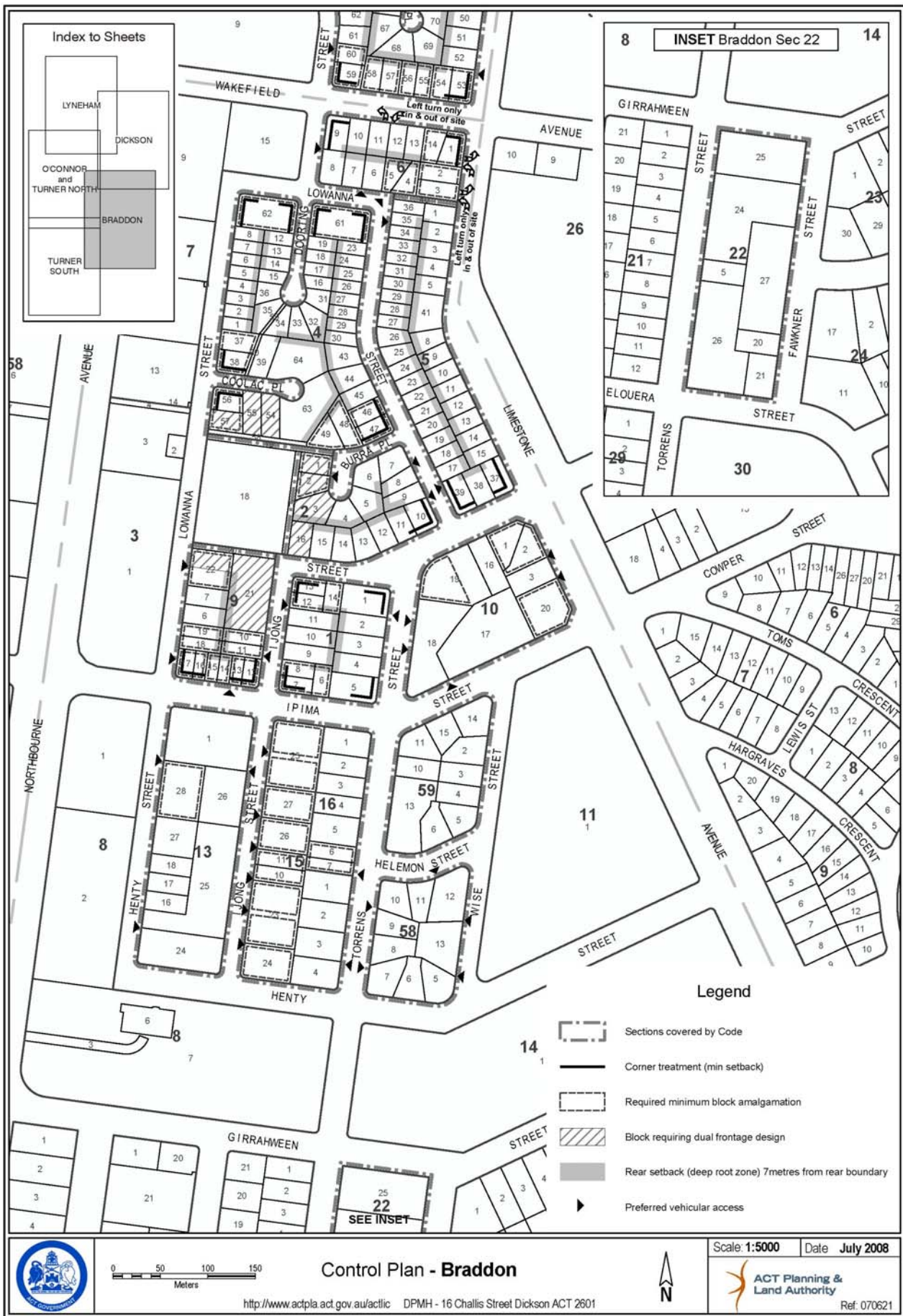
- 6) At Part A – General Development Controls – replace the existing Figure 2 with the following:



7) At Part A – General Development Controls – substitute section 3.2 titled ‘Interface’ with the following:

Rules	Criteria
3.2 Interface	
<p>R18</p> <p>Redevelopment of a block in RZ4 is not permitted where it adjoins an existing single dwelling that has an existing or approved redevelopment on the other side boundary, unless the single dwelling site is one or more of the following:</p> <ul style="list-style-type: none"> a) included in the amalgamation of sites, b) developed at the same time as part of a plan for an integrated housing development and with the consent of the affected lessee, c) located in Turner Sections 38, 39, 44, 60 and 61 where the lessee of the single dwelling supports the proposed development occurring independently. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

8) At Part B – Control Plans – substitute existing plan titled ‘Control Plan - Braddon’ with the following:



- 9) At Part C – Site Specific Controls, Part C(1) – Braddon – omit the existing:
1. section 2.2 titled ‘Setbacks in Braddon Section 15, Block 10’
 2. section 2.3 titled ‘Setbacks in Braddon Section 16, Block 6’

- 10) At Part C – Site Specific Controls, Part C(2) – Lyneham – omit the existing:
1. section 2.2 titled ‘Setbacks in Lyneham Section 46, Block 1’
 2. section 2.3 titled ‘Setbacks in Lyneham Section 46, Block 4’
 3. section 2.4 titled ‘Setbacks in Lyneham Section 46, Block 5’
 4. section 2.5 titled ‘Setbacks in Lyneham Section 46, Block 8’
 5. section 2.6 titled ‘Setbacks in Lyneham Section 46, Block 17’
 6. section 2.7 titled ‘Setbacks in Lyneham Section 46, Block 19’
 7. section 2.8 titled ‘Setbacks in Lyneham Section 46, Block 20’
 8. section 2.9 titled ‘Setbacks in Lyneham Section 46, Block 22’
 9. section 2.10 titled ‘Setbacks in Lyneham Section 46, Block 24’

- 11) At Part C – Site Specific Controls, Part C(2) – Lyneham – substitute section 2.12 titled ‘Height in Lyneham Section 52 Blocks 7-12’ with the following:

Rules	Criteria
2.1 Height in Turner Section 44 Blocks 1-2, 6-8, 11-13 and 15	
<p>R45</p> <p>The maximum building height for development fronting the rear street (McKay Lane) shall be 2 storeys (refer to Figure 3).</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

- 12) At Part C – Site Specific Controls, Part C(4) – Turner – insert after section 2.1 titled ‘Height in Turner Section 44 Blocks 1-2, 6-8, 11-13 and 15’ the following:

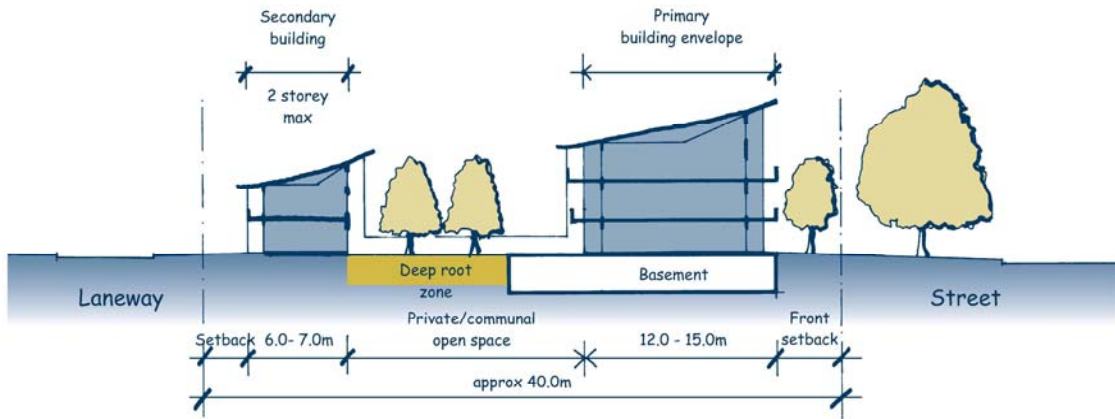
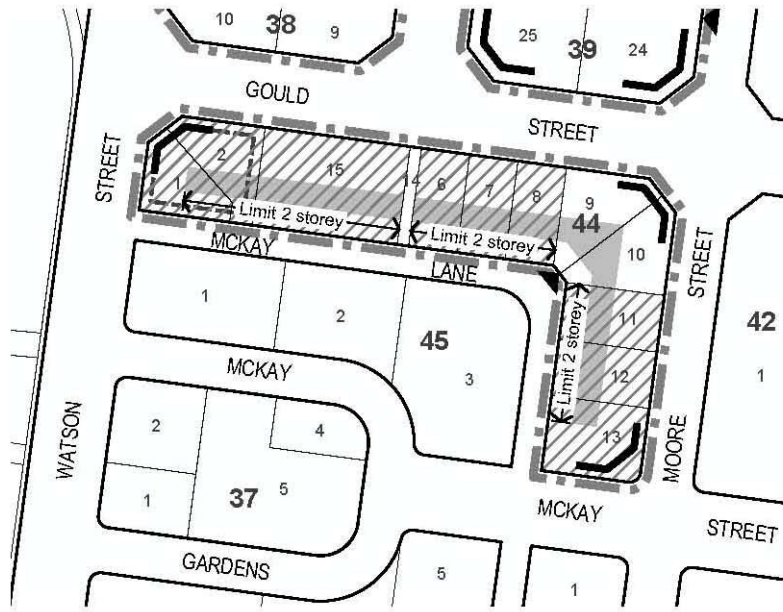


Figure 3 Section 44 Turner: Dual Frontage Design

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 τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna 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:

TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week