

Australian Capital Territory

Planning and Development (Technical Amendment – Error) Plan Variation 2009 (No 1)

NOTIFIABLE INSTRUMENT NI2009—324

Technical Amendment No 2009- 23

made under the

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

This plan variation commences on the day after it is notified.

Variation No 2009–23 to the Territory Plan has been approved by the Planning and Land Authority

The variation specifies miscellaneous corrections to the Territory Plan as detailed in Attachment A.

Neil Savery
Planning and Land Authority
06 July 2009



Planning & Development Act 2007

Technical Amendment to the Territory Plan Error Variation 2009-23

Miscellaneous Amendments

July 2009

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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 Development Act 2007* (the Act) 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. Part 5.4 section 87 of the Act allows for technical amendments to be made to the Territory Plan in a number of circumstances.

This technical amendment is an error variation and is subject to approval of the ACT Planning and Land Authority (the Authority) under section 87(a) of the Act. Error variations are not subject to the limited consultation requirements under section 90 of the Act. The Authority needs to be satisfied that the error variation would be a technical amendment and fix a date when the plan variation is to commence. On approval, the variation will commence in accordance with the commencement notice in the Legislation Register and will be notified in a daily newspaper. The Territory Plan will be updated to reflect the changes that are approved in the error variation.

2. EXPLANATORY STATEMENT

Background

Under section 87(a) of the Act, an error variation is defined as a 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.

A formal error is defined as:

- a) a clerical error; or
- b) an error arising from an accidental slip or omission; or
- c) a defect of form.

Proposed Changes and Reasons

A. Residential Subdivision Development Code Part B (1) Element 2.8 – Street works

To remove any inconsistencies and misunderstandings that may have arisen through the misuse of the term 'laneways'. 'Laneways' is being substituted with 'rear lanes' in the Residential Subdivision Development Code Part B (1) Estate Development Plans Supported by a Precinct Code, Element 2.8 – Laneways rule 26 (**Items 52, 53 & 54**).

B Residential Subdivision Development Code Part B (1) Element 6.5 – Block

The title for Element 6.5 ‘Compact blocks (defined as blocks having a site area less than 250m²)’ as it stands in the Residential Subdivision Development Code may cause confusion to the user as it is misleading. It is proposed to amend the terminology used in the definition so that it reads ‘(defined as blocks having a site area 250m² or less)’ (*Items 55 & 56*).

C. Multi Unit Housing Development Code Part C (3) Element 4.1 – Vehicle Access

There is a spelling mistake and unnecessary duplication present in the Residential zones – Multi Unit Housing Development Code Part C (3) Element 4.1 – Vehicle Access rule 135 e). To correct the spelling mistake within rule 135 e) in deleting ‘e’ from ‘care’ so that it reads ‘car’ within the following (*Item 17*). The duplicate entries have also been deleted:

- i) serves 5 or more car spaces, or
- ii) connects to a major road

D. Multi Unit Housing Development Code Part C (3) Element 3.5 – Crime Prevention

The numbering of ‘Australian Standard AS1158.1.3’ within the Multi Unit Housing Development Code Part C (3) Element 3.5 – Crime Prevention Rule 132 is a numerical error. To amend the error, ‘AS1158.1.3’ is being changed to ‘AS1158.3.1’ (*Item 16*).

E. Development Tables in all Zones – Correction of reference to Volume 2 Section 3

All development tables require the removal of reference ‘Volume 2 Section 3’ under PROHIBITED, as the Territory Plan is no longer divided into volumes this reference is no longer applicable under the Territory Plan (*Items 1, 2, 3, 4, 5, 18, 20, 22, 24, 26, 28, 29, 30, 31, 32, 35, 40, 41, 42, 43, 44, 45 & 47*).

F. Development Tables PRZ1 & PRZ2

The Water Feature land use policy in the earlier Territory Plan was integrated in the Urban Parks and Recreation zone and the Non-Urban River Corridor zone of the restructured Territory Plan. This resulted in the unintended consequence of not allowing for the provision of lakes and other utilities, which fell within the umbrella term of MAJOR UTILITY INSTALLATION in the Definitions section, of the Territory Plan. The review incorrectly inserted MAJOR UTILITY INSTALLATION into the Territory Plan as a prohibited use into PRZ1 Urban Parks and Recreation PRZ1 Urban Open Space Zone and PRZ2 Restricted Access Recreation Zone. This has been amended by removing the reference to MAJOR UTILITY INSTALLATION from the prohibited development table and inserting it into the merit development tables to ensure such development can

be integrated with and not exclude land from its use for recreation enjoyment purposes (**Items 33, 34, 36, 37 & 39**).

G. Crime Prevention through Environmental Design General Code Part A Element 3.3 – Lighting

The numbering of 'AS3282' within Crime Prevention through Environmental Design General Code Part A Element 3.3 – Lighting C10 c) is a numerical error. To amend the error 'AS3282' is being changed to 'AS4282' (**Item 49**).

H. Single Dwelling Housing Development Code, Figure C3 Setbacks – Corner Blocks

The incomplete wording under Figure 3 – Setbacks – Corner Blocks upper floor level setbacks was unintentionally incorporated as part of technical amendment V2008-10. To correct the typographical error the wording in column 3 should read as follows:

'*Where design incorporated blank walls, windows with sill heights > 1.7m, windows with permanently fixed panes of obscure glass or screen walls' (**Item 11**).

I. NUZ4 River Corridor Zone, Zone Objectives.

There is a grammatical error present in the wording of the NUZ4 River Corridor Zone, Zone Objectives. To correct the grammatical error and clarify the wording within the NUZ4 River Corridor Zone, Zone Objectives (a) the word 'if' is proposed to be changed to 'of' (**Item 46**).

J. Non-Urban Zones Development Code Part A (4) Element 1.1 Recreational Development, C11

Correct the typographical error 'development' to 'developed' to clarify the wording within Recreational Development, C11 (**Item 48**).

K. Residential Zones – Single Dwelling Housing Development Code and Multi-Unit Housing Development Code.

'Blocks' is an inconsistent reference within 'a) Blocks that are north facing boundary of an adjoining residential block'. To amend the misleading reference to 'blocks', substitute 'blocks' with 'boundaries' in the Residential Zones – Single Dwelling Housing Development Code and Multi-Unit Housing Development Code (**Items 6, 7, 8, 9, 10, 12, 13, & 14**).

L. Definition, Part A – Definitions of Development – correction of definition for Residential Use

To remove any inconsistency and misunderstanding that may have arisen due to the use of 'Home business' being contained within the Residential Use definition. 'Home business' is being omitted from within the umbrella definition of Residential Use and the definition is being placed under 'Home business'. This will allow 'Home business' to be viewed as a separate definition. Home business is identified as a separate merit track development under all Development Tables in which RESIDENTIAL USE is listed as a merit track development within the Territory Plan (**Items 19, 21, 23, 25, 27, 28, 38, 41, 43, 44, 45, 47, 50 & 51**)

3. ERROR VARIATION

Variation to Residential Zones Development Tables

1 RZ1 Suburban Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

2 RZ2 Suburban Core Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

3 RZ3 Urban Residential Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

4 RZ4 Medium Density Residential Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

5 RZ5 High Density Residential Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

Variation to Residential Zones – Single Dwelling Housing Development Code

**6 Residential Zones Single Dwelling Housing Development Code Part A(1)
RZ1 Suburban Zone Element 2 Building and Site Controls
2.2 Building Envelope R3 a)**

Omit 'Blocks' and substitute with the following

Boundaries

**7 Residential Zones Single Dwelling Housing Development Code Part A(2)
RZ2 Suburban Core Zone Element 2 Building and Site Controls
2.2 Building Envelope R6 a)**

Omit 'Blocks' and substitute with the following

Boundaries

**8 Residential Zones Single Dwelling Housing Development Code Part A(3)
RZ3 Urban Residential Zone Element 2 Building and Site Controls
2.2 Building Envelope R9 a)**

Omit 'Blocks' and substitute with the following

Boundaries

**9 Residential Zones Single Dwelling Housing Development Code Part A(4)
RZ4 Medium Density Residential Zone Element 2 Building and Site
Controls 2.2 Building Envelope R11 a)**

Omit 'Blocks' and substitute with the following

Boundaries

**10 Residential Zones Single Dwelling Housing Development Code Part A(5)
RZ5 High Density Residential Zone Element 2 Building and Site Controls
2.2 Building Envelope R13 a)**

Omit 'Blocks' and substitute with the following

Boundaries

**11 Residential Zones Single Dwelling Housing Development Code
Figure C3 Setbacks Corner Blocks Upper Floor Level Setbacks**

Insert after 'Where design incorporates blank walls, window'

with sill heights > 1.7m, windows with permanently fixed panes of obscure glass or screen walls.

Variation to Residential Zones – Multi Unit Housing Development Code

**12 Residential Zones Multi Unit Housing Development Code Part A(1) RZ1
Suburban Zone Element 2 Building and Site Controls
2.3 Building Envelope R7 a)**

Omit 'Blocks' and substitute with the following

Boundaries

**13 Residential Zones Multi Unit Housing Development Code Part A(2) RZ2
Suburban Core Zone Element 2 Building and Site Controls
2.2 Building Envelope R14 a)**

Omit 'Blocks' and substitute with the following

Boundaries

**14 Residential Zones Multi Unit Housing Development Code Part A(3) RZ3
Urban Residential Zone Element 2 Building and Site Controls
2.2 Building Envelope R19 a)**

Omit 'Blocks' and substitute with the following

Boundaries

**15 Residential Zones Multi Unit Housing Development Code Part A(4) RZ4
Medium Density Residential Zone Element 2 Building and Site Controls
2.3 Building Envelope R23 a)**

Omit 'Blocks' and substitute with the following

Boundaries

**16 Residential Zones Multi Unit Housing Development Code Part C (3)
Element 3.5 Crime Prevention R132**

Omit 'Australian Standard AS1158.1.3' and substitute with the following

'Australian Standard AS1158.3.1'

**17 Residential Zones Multi Unit Housing Development Code Part C (3)
Element 4.1 Vehicle Access R135 e)**

Omit R135 (e) and substitute with the following:

- i) serves 5 or more car spaces, or
- iii) connects to a major road.

Variation to Commercial Zones Development Tables

18 CZ1 Core Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

19 CZ1 Core Zone Development Table Minimum Assessment Track Merit Development

Insert under 'Emergency services facility'

Home business

20 CZ2 Business Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

21 CZ2 Business Zone Development Table Assessable Development Minimum Assessment Track Merit

Insert under 'Emergency services facility'

Home business

22 CZ3 Services Zone Development Table Prohibited Development

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

23 CZ3 Services Zone Development Table Assessable Development Minimum Assessment Track Merit

Insert under 'Funeral parlour'

Home business

24 CZ4 Local Centre Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

25 CZ4 Local Centre Zone Development Table Assessable Development Minimum Assessment Track Merit

Insert under 'Guest house'

Home business

26 CZ5 Mixed Use Zone Development Table Prohibited Development

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

27 CZ5 Mixed Use Zone Development Table Assessable Development Minimum Assessment Track Merit

Insert under 'Guest house'

Home business

28 CZ6 Leisure and Accommodation Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

and insert under 'Hazardous waste facility'

Home business

Variation to Industrial Zone Development Tables

29 IZ1 General Industrial Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

30 IZ2 Industrial Mixed Use Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

Variation to Community Facility Zone Development Table

31 CFZ Community Facility Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

Variation to Parks and Recreation Zones Development Tables

32 PRZ1 Urban Open Space Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

33 PRZ1 Urban Open Space Zone Development Table Prohibited

Omit 'MAJOR UTILITY INSTALLATION'

34 PRZ1 Urban Open Space Zone Development Table Assessable Development Minimum Assessment Track Merit

Insert 'MAJOR UTILITY INSTALLATION'

35 PRZ2 Restricted Access Recreation Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

36 PRZ2 Restricted Access Recreation Zone Development Table Prohibited

Omit 'MAJOR UTILITY INSTALLATION'

37 PR2 Restricted Access Recreation Zone Development Table Assessable Development Minimum Assessment Track Merit

Insert 'MAJOR UTILITY INSTALLATION'

38 PRZ2 Restricted Access Recreation Zone Development Table Prohibited

Insert under 'Health Facility'

Home business

Variation to Parks and Recreation Zones Development Code

39 Parks and Recreation Zone Development Code Part B General Development Controls Element 1 Restrictions on Use

Insert under 1.2 'Plans of Management'

| 1.3 | Major Utility Installation |
|------------------------------|--|
| There is no applicable rule. | <p>C12A</p> <p>The development of land for a MAJOR UTILITY INSTALLATION can be integrated with the recreational use of the land and does not result in the exclusion of the land from its use for recreational enjoyment purposes.</p> |

Variation to Transport and Services Zone Development Tables

40 TSZ1 Transport Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

41 TSZ2 Services Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

and insert under 'Hazardous industry'

Home business

Variation to Non-Urban Zone Development Tables

42 NUZ1 Broadacre Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

43 NUZ2 Rural Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

and insert under 'Hazardous waste facility'

Home business

44 NUZ3 Hills, Ridges and Buffer Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

and insert under 'Hazardous waste facility'

Home business

45 NUZ4 River Corridor Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

and insert under 'Hazardous waste facility'

Home business

Variation to NUZ4 River Corridor Zone

46 NUZ4 River Corridor Zone Objectives a)

Omit a) 'Conserve the ecological and cultural values of the ACT's major river corridors' and substitute with the following:

a) Conserve the ecological and cultural values of the ACT's major river corridors

47 NUZ5 Mountains and Bushland Zone Development Table Prohibited

Omit 'Volume 2 Section 3 - Definitions' and substitute with the following

13 Definitions

and insert under 'Hazardous waste facility'

Home business

Variation to Non-Urban Zones Development Code

48 Non-Urban Zones Development Code Part A (4) – NUZ4 River Corridor Zone Element 1: Restrictions on Use 1.1 Recreational Development C11

Substitute 'development' with the following:

developed

Variation to Crime Prevention Through Environmental Design General Code

49 General Codes Crime Prevention Through Environmental Design General Code Part A – General Requirements Element 3.3 Lighting C10 c)

Omit Australian Standard AS3282 and substitute with the following:

Australian Standard AS4282

Variation to Definitions

50 Definition Part A Definitions of Development column definition of Home business

Omit the definition and substitute with the following:

Home business means the use of a residential lease for carrying on a profession, trade, occupation or calling on the land.

51 Definition Part A Umbrella Term column definition of Residential Use

Omit the 'Home business' definition

Variation to Residential Subdivision Development Code

52 Residential Subdivision Development Code Table of Contents Part B(1) Element 2: Street Works

Omit '2.8 Laneways' and substitute with the following

2.8 Rear Lanes

53 Residential Subdivision Development Code Part B (1) Element 2 - Street Works 2.8 Laneways, R26 and C26

Omit 'laneways' in the title, in R26 and in C26 and substitute with the following

Rear Lanes

54 Residential Subdivision Development Code Part B (1) Element 2 - Street Works 2.8 Laneways, R27 and C27

Omit 'Laneways' in R27 and substitute with the following

Rear Lanes

Omit 'laneway' in C27 and substitute with the following

Rear Lane

**55 Residential Subdivision Development Code Table of Contents Part B(1)
Element 6: Block Layout and Building Envelope Plans**

Omit '6.5 Compact blocks (defined as blocks having a site area less than 250m²) and substitute with the following

6.5 Compact blocks (defined as blocks having a site area of 250m² or less)

**56 Residential Subdivision Development Code Part B (1) Element 6: Block
Layout and Building Envelope Plans Element 6.5 Compact Blocks**

Omit (defined as blocks having a site area less than 250m²) and substitute with the following:

(defined as blocks having a site area of 250m² or less)

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