

Australian Capital Territory

# **Planning and Development (Technical Amendment—Changes to noise attenuation provisions (single dwelling housing development code and multi unit housing development code) and other amendments) Plan Variation 2010**

**Notifiable instrument NI2010 — 218  
Technical Amendment No 2010-07**

made under the

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

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This technical amendment commences on 7 May 2010.

Technical amendment number 2010-07 to the Territory Plan has been approved by the Planning and Land Authority

Kelvin Walsh  
Delegate of Planning and Land Authority

3 May 2010





Planning & Development Act 2007

# **Proposed Technical Amendment to the Territory Plan 2010-07**

Changes to noise attenuation provisions  
(single dwelling housing development code and  
multi unit housing development code) and  
other amendments

May 2010



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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.

Technical amendments to the Territory Plan are prepared in accordance with the Act.

A code variation (section 87(b)) 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
- (ii) is not an error variation.

Following the release of the variation under section 90 of the Act, submissions from the public were invited. At the conclusion of the limited consultation period, any representations were considered by the ACT Planning and Land Authority (the Authority). In this instance no public submissions were received. The Authority then determines a day when the code variation is to commence by way of a commencement notice.

## **2. EXPLANATORY STATEMENT**

### **Proposed Changes and Reasons**

#### **A. Noise attenuation from external sources in single dwelling housing development code and multi unit housing development code –items 2, 5-7**

The technical amendment revises rules and criteria applying to dwellings to ensure that, in habitable rooms, noise from external sources is adequately attenuated. The revised provisions affect single dwelling housing on blocks identified in a precinct code as vulnerable to external noise, and multi unit housing development on blocks that are similarly identified in a precinct code, are adjacent to a major road, or within a commercial zone.

#### **B. Discrepancy in introductory paragraph in multi unit housing development code – item 3**

The paragraph on ‘Structure of codes’ in the introductory section of the multi unit housing development code states that Part B of the code provides general controls that are applicable to all development, subject to this code, within the residential zone. However, under Part B (on page 19) of the code, it states that this part provides the general controls that are applicable to all development subject to this code. The words “within the Residential Zone” are removed from the introduction page as this part of the code is intended to apply to all multi unit housing.

#### **C. Inclusion of bushfire provisions in multi unit housing development code and amendment to wording of bushfire provisions in single unit housing development code – item 1, 4**

The existing control relating to buildings in bushfire areas in the single dwelling housing development code is to be revised to better reflect the necessary construction standards. These provisions are currently not in the multi unit housing development code and need to be included to ensure appropriate construction standards for multi unit buildings in bushfire areas.

#### **D. Clarification where alternative provisions are relevant – items 8&11**

Reword criterion 47 in the town centres development code and policy number 38 in the structure plan for Molonglo and North Weston are reworded to better clarify the intent of alternative provisions. This will lead to greater consistency between the various codes contained within the Territory Plan.

#### **E. Changes to requirements for consideration of neighbourhood plans in commercial CZ5 mixed use code and community facility zone development code – items 9&10**

Technical amendment 2009-26 (approved 22 January 2010) amended the criteria in various codes relating to requirements for consideration of neighbourhood plans. It has since been identified that the community facility zone development code and commercial CZ5 mixed use code needs to be amended for this criterion to be

consistent with the changes made in the other codes. The criteria are amended to remove the words 'and actions'.

### 3. TECHNICAL AMENDMENT

#### Variation to single dwelling housing development code

##### 1. Part B General Development Controls – Element 2 Building and Site Controls, item 2.7 Bushfire R20A

*Substitute with the following:*

Where identified in a precinct code or lease and development conditions, buildings are constructed in accordance with the specified bushfire construction level of Australian Standard AS 3959.

##### 2. Part B General Development Controls – Element 2 Building and Site Controls, item 2.8 Blocks between 500m<sup>2</sup> and 550m<sup>2</sup> R20B

*Insert the following.*

##### 2.9 Acoustic protection from external noise sources

R20C

Where a block is identified in a precinct code as being potentially affected by noise from external sources the building design and construction complies with the relevant sections of all of the following:

- a) AS/NZS 3671 Acoustics – Road traffic Noise Intrusion, Building Siting and Construction
- b) AS/NZS 2107 Acoustics – Recommended design sound levels and reverberation terms for building interiors
- c) ACT Environment Protection Regulation 2005.

A report prepared by a suitably qualified acoustics consultant that is a member of the Australian Acoustic Society and has experience in assessing noise effects demonstrates compliance with this rule.

This is a mandatory requirement. There is no applicable criterion.

## Variation to multi unit housing development code

### 3. Introduction – Structure of codes - Part B – General Development Controls

*Omit the following:*

,within the Residential Zones

### 4. Part B General Development Controls, Element 2 Building and Site Controls, item 2.6 Plot Ratio

*Insert the following:*

#### 2.7 Bushfire

R34A

Where identified in a precinct code or lease and development conditions, buildings are constructed in accordance with the specified bushfire construction level of Australian Standard AS 3959.

This is a mandatory requirement. There is no applicable criterion.

### 5. Part C(3) – Multi Unit Housing – Inner North Canberra and Gungahlin District – RZ3 and RZ4 Zones, Element 5 Amenity, Item 5.6 Acoustic Privacy, R156 and C156

*Substitute with the following:*

#### 5.6 Acoustic Privacy

R156

Where a block is in one or more of the following categories:

- a) identified in a precinct code as being potentially affected by noise from external sources
- b) adjacent to a major road
- c) located in a commercial zone

the building design and construction complies with the relevant sections of all of the following:

- a) AS/NZS 3671 *Acoustics – Road traffic Noise*

This is a mandatory requirement. There is no applicable criterion.

<p><i>Intrusion, Building Siting and Construction</i></p> <p>b) <i>AS/NZS 2107 Acoustics – Recommended design sound levels and reverberation terms for building interiors</i></p> <p>c) <i>ACT Environment Protection Regulation 2005.</i></p> <p>A report prepared by a suitably qualified acoustics consultant that is a member of the Australian Acoustic Society and has experience in assessing noise effects demonstrates compliance with this rule.</p>	
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**6. Part C(3) – Multi Unit Housing – Inner North Canberra and Gungahlin District – RZ3 and RZ4 Zones, Element 5 Amenity, Item 5.6 Acoustic Privacy**

*Remove criterion C157.*

**7. Part C(5) – Multi Unit Housing – Other Areas – RZ4 and RZ5 Zones and All Areas in the Commercial Zones, Element 5 Amenity, Item 5.5 Noise R228**

*Substitute with the following:*

<b>5.5 Acoustic Privacy</b>	
<p>R228</p> <p>Where a block is in one or more of the following categories:</p> <p>a) identified in a precinct code as being potentially affected by noise from external sources</p> <p>b) adjacent to a major road, or</p> <p>c) located in a commercial zone,</p> <p>the building design and construction complies with the relevant sections of all of the following:</p> <p>a) <i>AS/NZS 3671 Acoustics – Road traffic Noise Intrusion, Building Siting and Construction</i></p> <p>b) <i>AS/NZS 2107 Acoustics – Recommended design sound levels and reverberation terms for building interiors</i></p> <p>c) <i>ACT Environment Protection Regulation 2005.</i></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



A report prepared by a suitably qualified acoustics consultant that is a member of the Australian Acoustic Society and has experience in assessing noise effects demonstrates compliance with this rule.	
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## Variation to town centres development code

### **8. Part A(3) - CZ3 Services Zone, Element 2 Building and Site Controls, Item 2.4 Woden C47 b)**

*Substitute with the following:*

Additional height above the maximum building height specified in R47 may be allowed for a 5<sup>th</sup> level (as attic) only on corner blocks fronting Townsend Street.

## Variation to commercial CZ5 mixed use zone development code

### **9. Part A General Development Controls, Element 5 Amenity, Item 5.4 Neighbourhood Plans C26**

*Substitute with the following:*

Where a Neighbourhood Plan exists, development demonstrates a response to the key strategies of the relevant Neighbourhood Plan.

## Variation to community facility zone development code

### **10. Part A General Development Controls Element 5 Amenity Item 5.4 Neighbourhood Plan C27**

*Substitute with the following:*

Where a Neighbourhood Plan exists, development demonstrates a response to the key strategies of the relevant Neighbourhood Plan.

## Variation to structure plan Molonglo and North Weston

### **11. 5. POLICIES FOR THE DEVELOPMENT OF THE MOLONGLO AND NORTH WESTON FUTURE URBAN AREA, 5.2 Concept Plans, paragraph 38**

*Substitute wording as underlined below:*

Concept plans (which are deemed to be precinct codes under the *Planning and Development Act 2007*) may be prepared where alternative provisions to the relevant development codes are

proposed. Such matters as higher development densities, increased building heights, and contemporary best practice for energy efficiency, water efficiency and solar access, could be included.

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