

Australian Capital Territory

Planning and Development (Technical Amendment — Inclusion of definitions to bring the Territory Plan into line with the National Capital Plan and miscellaneous amendments and corrections) Plan Variation 2010

Notifiable instrument NI2010 — 411
Technical Amendment No 2010-11

made under the

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

This technical amendment commences on 30 July 2010.

Technical amendment number 2010-11 to the Territory Plan has been approved by the Planning and Land Authority

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Delegate of Planning and Land Authority

20 July 2010



Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2010-11

Inclusion of definitions to bring the Territory
Plan into line with the National Capital Plan
and miscellaneous amendments and
corrections

July 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. 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 subject to approval of the ACT Planning and Land Authority (the Authority) under sections 87(a) and 87(e) of the Act.

A variation under section 87(a) is a technical amendment 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.

Section 87(e) of the Act provides for a variation required to bring the Territory Plan into line with the National Capital Plan. These changes are not subject to the limited consultation requirements under section 90 of the Act.

2 EXPLANATORY STATEMENT

Proposed Changes and Reasons

A Inclusion of 'outdoor education establishment' definition from the National Capital Plan and add the use to the relevant zone development table – items 5 and 10

The National Capital Plan contains a type of land use referred to as 'outdoor education establishment' and an associated definition. The Territory Plan does not contain the term or definition. This technical amendment incorporates the use of outdoor education establishment into the non urban NUZ3 hills, ridges and buffer zone and its associated definition into the Territory Plan to bring the Territory Plan in line with the provisions in the National Capital Plan.

B Transfer the use 'service station' from the prohibited list to the minimum assessment track merit list in the non urban NUZ1 broadacre zone development table – items 3a and 4a

In the National Capital Plan, a service station falls under the definition of transport facility which is a permitted use in Broadacre Areas. However a 'service station' is identified as a prohibited use in the non urban NUZ1

broadacre zone development table of the Territory Plan, although it can be assessed under the impact track (requiring the preparation of an environmental impact assessment) as it is a permitted use under the National Capital Plan. This technical amendment removes 'service station' from the prohibited list in the broadacre zone development table and includes it under merit assessable uses, in line with the provisions in the National Capital Plan.

C Inclusion of 'funeral parlour' in the merit assessment track – commercial CZ2 business zone development table – Kambah section 275 block 12 – item 1

A funeral parlour is prohibited in the commercial CZ2 business zone, however it is permitted under the crown lease for the subject site issued in August 1993 (prior to the commencement of the previous Territory Plan). This requires an application to be assessed in the impact track for a development of this type on Kambah section 275 block 12. This technical amendment aims to correct this anomaly by including 'funeral parlour' as a site specific assessable use in the commercial CZ2 business zone development table.

D Correction to criterion C64 in the commercial CZ5 mixed use zone development code – item 2

The intent of this criterion has been translated incorrectly at the time the Territory Plan was restructured. The text in the criterion needs to be corrected to refer to precinct 'c' in figure B2 Kingston mixed use area in the commercial CZ5 mixed use zone development code.

E Correction to the rule R33 of the communications facilities and infrastructure general code – item 9

R33 of Part B: General Development Controls, states that 'Location of facilities does cause interference with other telecommunication networks...' This is an error as the word 'not' has been omitted. This technical amendment will correct the wording as follows: 'Location of facilities does not cause interference...'

F Correction to rule R30 of the Flemington Road Corridor concept plan – item 12

R30 refers to deep root planting zones and makes an incorrect reference to an associated rule. R30 states that 'Deep root planting zones as identified in R24 are provided...' The correct reference being R29, will be inserted.

G Remove supportive housing from the non urban NUZ1 broadacre zone assessable uses development table and add to the prohibited table – items 3b and 4b

Supportive housing was inadvertently included in the NUZ1 broadacre zone development table as an assessable use at the time the Territory Plan was restructured. The definitions of special care establishment and special care hostel were not carried over to the new Territory Plan as it was considered at the time that these uses could be adequately covered by the definition of residential care accommodation. Supportive housing is classified under the umbrella term of residential use in the definitions in the Territory Plan. Although it is a requirement to provide services for the occupants, it is not necessary for a proposal of this type of development to comply with the requirements for the establishment of a residential care accommodation facility. Some forms of residential care accommodation may be considered to be an appropriate use of land within the broadacre zone in limited circumstances (such as a rehabilitation centre for example) provided that a proposal meets the objectives of the zone for uses which require larger sites and/or a location outside urban areas. Residential development including supportive housing is not appropriate in the broadacre zone. This technical amendment removes supportive housing from the assessable uses development table and transfers it into the prohibited list.

H Correction to numbering error in the inner north precinct code – items 6, 7 and 8

There are several numbering errors in Part C – site specific controls. Currently they are shown as follows:

Part C (1) Braddon
(2) Dickson
(2) Lyneham
(3) O'Connor
(4) Turner

Each item is mutually exclusive and therefore changing the numbers does not affect the provisions. The numbering will be corrected and the table of contents will be adjusted accordingly.

I Clarification to the definition of store – item 11

The current definition of 'store' does not permit the storage of motor vehicles or obsolete machinery. This is contrary to the permitted land use of self-storage facilities, since this is where vehicles and other items can be stored.

It is proposed to change the exclusion from 'motor vehicles and obsolete machinery' to 'obsolete motor vehicles and obsolete machinery'.

3. TECHNICAL AMENDMENT

Variation to the commercial CZ2 business zone development table

1. Minimum Assessment Track Merit Site Specific section

Insert after Kambah sections 274, 275 and 277 (Drakeford Drive Corridor) (Figure 4)

Site identifier	Additional Development
Kambah Section 275 Block 12	Funeral parlour

Variation to the commercial CZ5 mixed use zone development code

2. Part B Site Specific Controls, Element 1: Restrictions on use, Item 1.6 Kingston C64

Substitute C64 with the following wording

To ensure active uses at ground floor level, RESIDENTIAL USE and Office in Kingston are generally restricted to upper levels in precinct 'c' (Figure B2).

Variation to non urban zones NUZ1 broadacre zone development table

3. Assessable Development - Minimum Assessment Track Merit

a) Insert into the development table after 'scientific research establishment':

Service station

b) Omit:

Supportive housing

4. Prohibited

a) Omit

Service station

b) Insert

Supportive housing

Variation to Non Urban Zones NUZ3 Hills Ridges and Buffer Zone Development Table

5. Assessable Development - Minimum Assessment Track Merit

Insert into the development table after 'nature conservation area':

Outdoor education establishment

Variation to Inner North precinct Code

6. Part C - Site Specific Controls, Part C(2) Lyneham

Substitute Part C(2) Lyneham with:

Part C(3) - Lyneham

Variation to Inner North precinct Code

7. Part C - Site Specific Controls, Part C(3) O'Connor

Substitute Part C(3) O'Connor with:

Part C(4) – O'Connor

Variation to Inner North precinct Code

8. Part C - Site Specific Controls, Part C(4) Turner

Substitute Part C(4) Turner with:

Part C(5) - Turner

Variation to Communication Facilities and Associated Infrastructure General Code

9. Part B: General Development Controls – Element 2 Building and Site Controls, 2.1 Location, R33

Insert 'not' as underlined below:

Location of facilities does not cause interference with other telecommunications networks and radio communications services such as but not limited to: defence, security services, emergency services facilities, Australian Federal Police, the Canberra Airport and any other relevant network operating within the Territory.

Variation to Definitions

10. Part A Definitions of Development

Insert into the table after 'office':

Outdoor education establishment means land used or intended for use as an education centre for children or adults where the primary focus is on the natural and/or cultural resources of the area. It may include a residence where this is necessary for the protection or management of the primary facility.

11. Part A Definitions of Development

Insert 'obsolete' as underlined below:

Store means the use of land for the storage, whether permanent or temporary, of goods (not including obsolete motor vehicles or obsolete machinery) within or upon which no trade (whether retail or wholesale) or *industry* is carried on.

Variation to Flemington Road Corridor Concept Plan

12.3.0 Development Control requirements, Part C - Buildings and Structures, 11. Deep Root Planting Zones, R30

Substitute 'R24' with 'R29' as underlined below:

Deep root planting zones as identified in R29 are provided along the street frontage of each block to a total length of not less than one third of the block frontage and addresses the following:

- a) mid block planting zone has a minimum dimension of 9m measured from front boundary and planted with large trees (semi-mature stock with a minimum mature height of 5m)
- b) a 12m x 12m planting zone is provided at each street corner of the block and includes splayed corners and planted with large trees (semi-mature stock with a minimum mature height of 5m).

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