

Australian Capital Territory

Planning and Development (Technical Amendment— Miscellaneous Amendments) Plan Variation 2013 (No 3)

Notifiable Instrument NI2013 — 246
Technical Amendment No 2013-03

made under the

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

This Technical Amendment commences on the day after it is notified.

Technical Amendment Number 2013-03 to the Territory Plan has been approved by the planning and land authority.

Jim Corrigan
Delegate of the Planning and Land Authority

29 May 2013



ACT
Government

Environment and
Sustainable Development

**ACT Planning and
Land Authority**

Planning and Development Act 2007

Technical Amendment to the Territory Plan Variation 2013 – 03

Miscellaneous amendments to the

- Commercial Zones Development Code
- Crace, Franklin, Forrest, Fyshwick, Greenway, Gungahlin, Harrison, Lyneham, and Pialligo Precinct Maps and Codes
- Communications Facilities and Associated Infrastructure General Code

May 2013

Contents

1.	INTRODUCTION	4
1.1	Purpose	4
1.2	Public consultation.....	4
1.3	Process.....	4
1.4	ACT Planning Strategy	4
1.5	Compliance with the Act	4
2.	EXPLANATION	5
2.1	Commercial Zones Development Code	5
2.2	Crace Precinct Map and Code.....	5
2.3	Franklin Precinct Map and Code	5
2.4	Forrest Precinct Map and Code	5
2.5	Fyshwick Precinct Map and Code.....	5
2.6	Greenway Precinct Map and Code	5
2.7	Gungahlin Precinct Map and Code	5
2.8	Harrison Precinct Map and Code.....	6
2.9	Lyneham Precinct Map and Code.....	6
2.10	Pialligo Precinct Map and Code.....	6
2.11	Communications Facilities and Associated Infrastructure General Code	6
3.	TECHNICAL AMENDMENT	7
3.1	Commercial Zones Development Code	7
3.2	Crace Precinct Map and Code.....	8
3.3	Forrest Precinct Map and Code	9
3.4	Franklin Precinct Map and Code	10
3.5	Fyshwick Precinct Map and Code.....	11

3.6	Greenway Precinct Map and Code	13
3.7	Gungahlin Precinct Map and Code	14
3.8	Harrison Precinct Map and Code.....	15
3.9	Lyneham Precinct Map and Code.....	16
3.10	Pialligo Precinct Map and Code.....	17
3.11	Communications Facilities and Associated Infrastructure General Code	17

1. INTRODUCTION

1.1 Purpose

This technical amendment will make the following changes to the Territory Plan:

Commercial Zones Development Code

Corrections to the provisions for shops in the CZ3 zone

Crace, Deakin, Franklin, Forrest, Fyshwick, Greenway, Gungahlin, Harrison, Lyneham, and Pialligo Precinct Maps and Codes

Corrections to the precinct maps and codes

Communications Facilities and Associated Infrastructure General Code

Corrections to a rule

1.2 Public consultation

Under section 88 of the *Planning and Development Act 2007* (the Act) this type of technical amendment is not subject to public consultation.

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 ACT Planning Strategy

This technical amendment is not inconsistent with the ACT Planning Strategy.

1.5 Compliance with the Act

This technical amendment is compliant with:

- Section 87(a) of the *Planning and Development Act 2007* in 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.

2. EXPLANATION

2.1 Commercial Zones Development Code

2.1.1 Shops – floor area limit – CZ3

The new Commercial Zones Development Code which was introduced in TA2012-06, did not include the revised floor area limit for shops in the CZ2 and CZ3 zones. Therefore the provisions will be corrected via this technical amendment.

2.2 Crace Precinct Map and Code

2.2.1 Figure 6 – Crace Residential Area 2

The map incorrectly represents ongoing block specific provisions. This technical amendment will replace the map with the correct version.

2.3 Franklin Precinct Map and Code

2.3.1 Franklin Precinct Map

The current map is missing the text 'Refer to Harrison Precinct Map'. The map will be replaced with an updated version via this technical amendment.

2.4 Forrest Precinct Map and Code

2.4.1 Forrest Precinct Map

The lines around Mt and Pd areas are missing. To correct this, an amended map will replace the current map.

2.5 Fyshwick Precinct Map and Code

2.5.1 Precinct Map and Code

The additional merit assessable development 'Office' is absent. This development type was not carried over to the new development table that was introduced in technical amendment TA2012-06. Therefore the Fyshwick precinct map will be replaced and 'Table 2 – Additional merit track development' will be updated.

2.6 Greenway Precinct Map and Code

2.6.1 Development on nominated car parking areas

Rule R8 applies to nominated car parks and applies to the shaded areas shown on Figure 1, though the figure contains no shaded areas. Replacing the figure will correct this error.

2.7 Gungahlin Precinct Map and Code

2.7.1 Element 3: Restrictions on use

In Element 3, the rule numbering incorrectly reverts to 1.1 and 1.2. This technical amendment will correct the numbering error.

2.7.2 Criterion C9

Criterion C9 has duplicate numbering. This technical amendment will correct this.

2.7.3 C32 and C33

In keeping with the format of all precinct codes, criterion numbers are not visible when there is no criterion. 'C32' and 'C33' are visible and will be corrected via this technical amendment.

2.7.4 RC2 – Mixed use commercial development area

The element numbering in RC2 reverts to 2, though the previous element number is 28. The numbering will be corrected via this technical amendment.

2.8 Harrison Precinct Map and Code

2.8.1 Harrison Precinct Map

The current map is missing the text 'Refer to Franklin Precinct Map'. The map will be replaced with an updated version via this technical amendment.

2.9 Lyneham Precinct Map and Code

2.9.1 Lyneham Precinct Map

Wattle Street is incorrectly named MacArthur Avenue. The Lyneham Precinct Map is to be replaced with an amended version via this technical amendment.

2.10 Pialligo Precinct Map and Code

2.10.1 Table 1

The Development column of Table 1 incorrectly lists 'land management authority' which should be 'land management facility', in accordance with the definitions.

2.11 Communications Facilities and Associated Infrastructure General Code

2.11.1 Part A(2)

Rule R20 applies to roof mounted antenna(e) and towers. Part (b) of this rule is blank and this has been the case since the Territory Plan was gazetted in 2008. The former Communications Facilities guideline does not contain any relevant rule that may apply. Part (b) is to be deleted via this technical amendment.

3. TECHNICAL AMENDMENT

3.1 Commercial Zones Development Code

1 11.1 Shops – floor area limit – CZ3, Rule R37

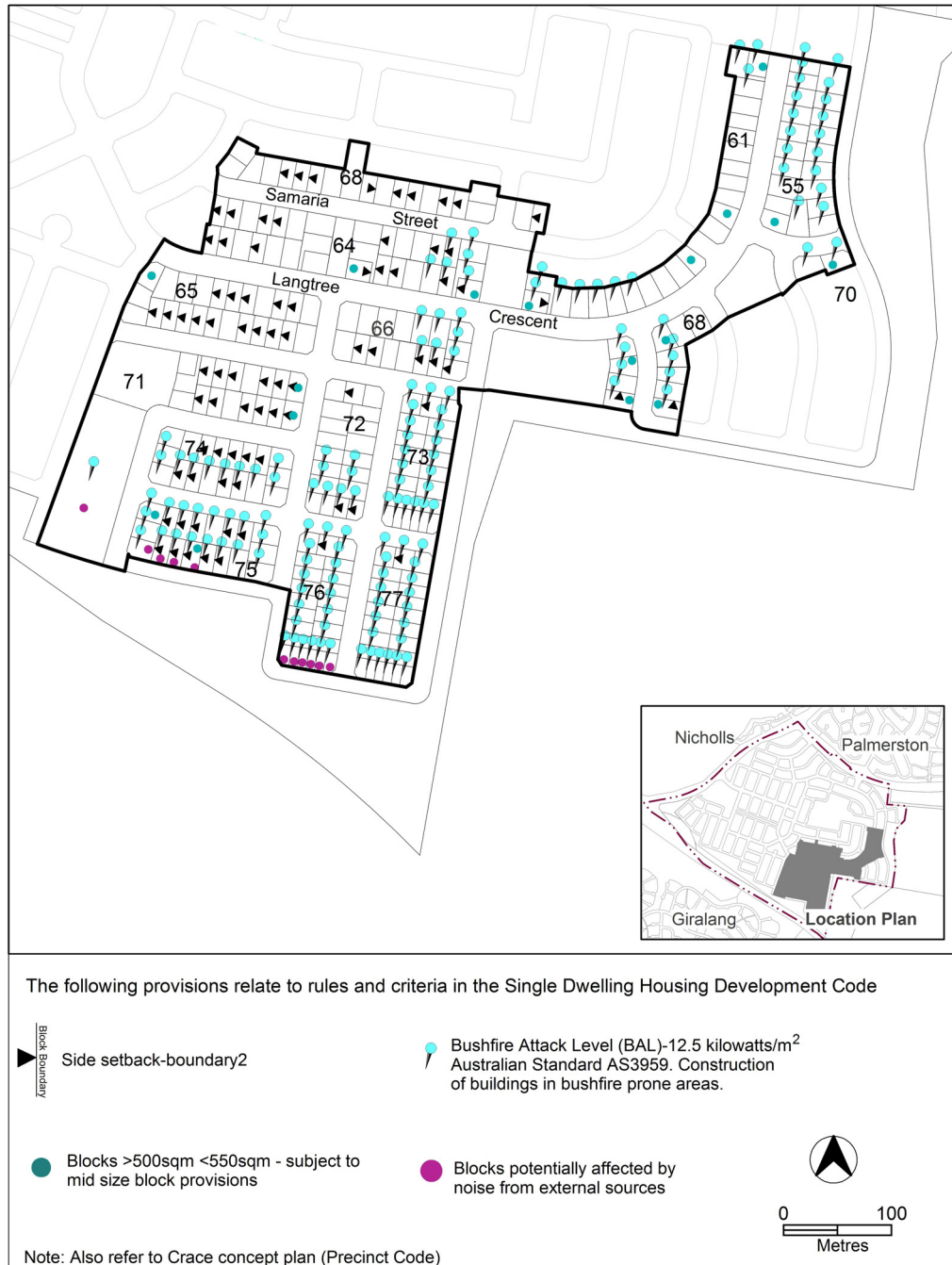
Substitute

11.1 Shops – floor area limit – CZ2 and CZ3	
<p>R37</p> <p>This rule applies CZ2.</p> <p>The maximum <i>gross floor area</i> for a <i>shop</i> is 200m².</p>	<p>Shops are limited to a scale appropriate to providing convenience shopping and personal services for the local workforce and residents.</p>
<p>R37A</p> <p>This rule applies CZ3.</p> <p>The maximum <i>gross floor area</i> for a supermarket or a <i>shop</i> selling food (except for a produce market) is 200m².</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

3.2 Crace Precinct Map and Code

2 Crace Precinct Map

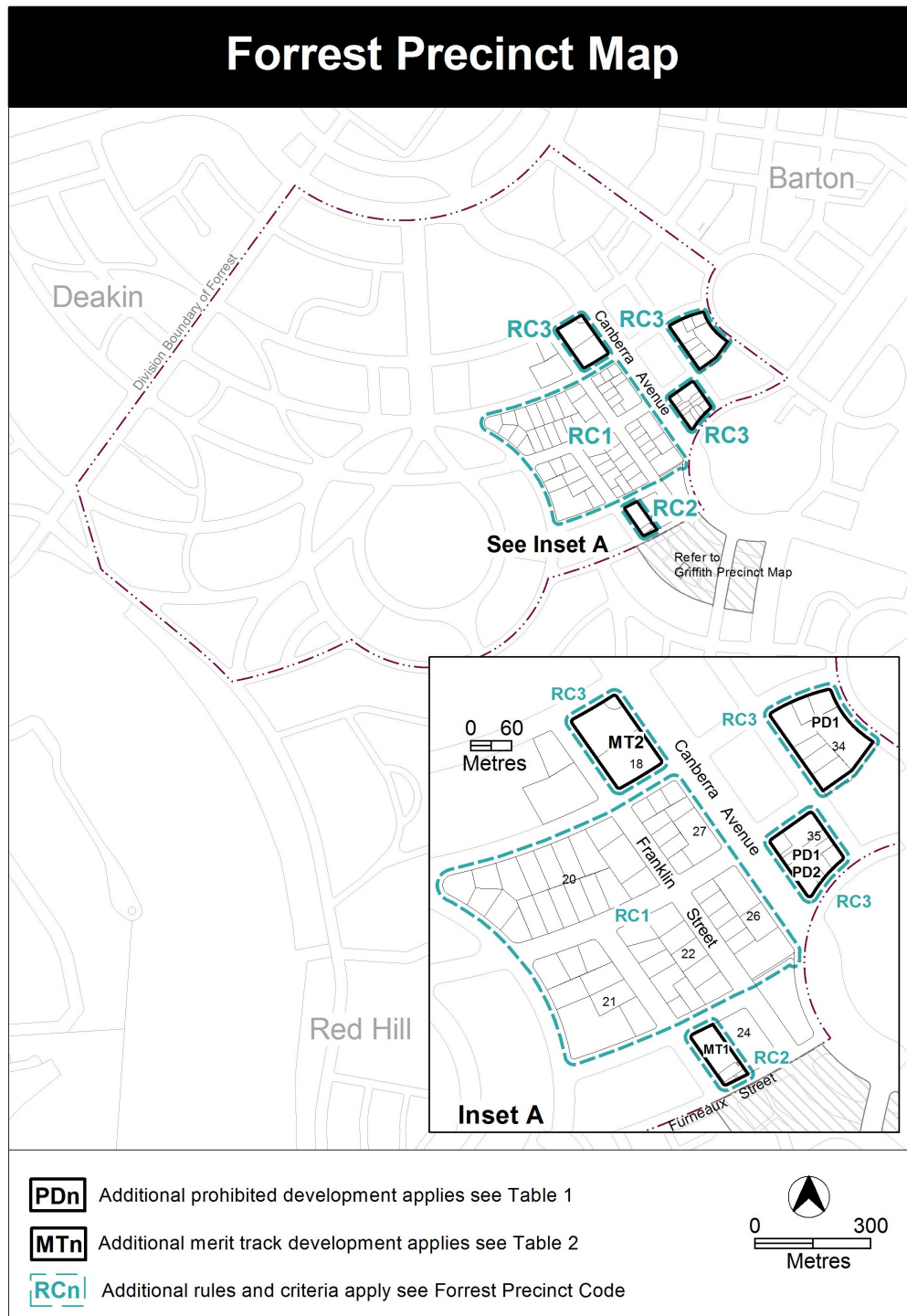
Substitute



3.3 Forrest Precinct Map and Code

3 Forrest Precinct Map

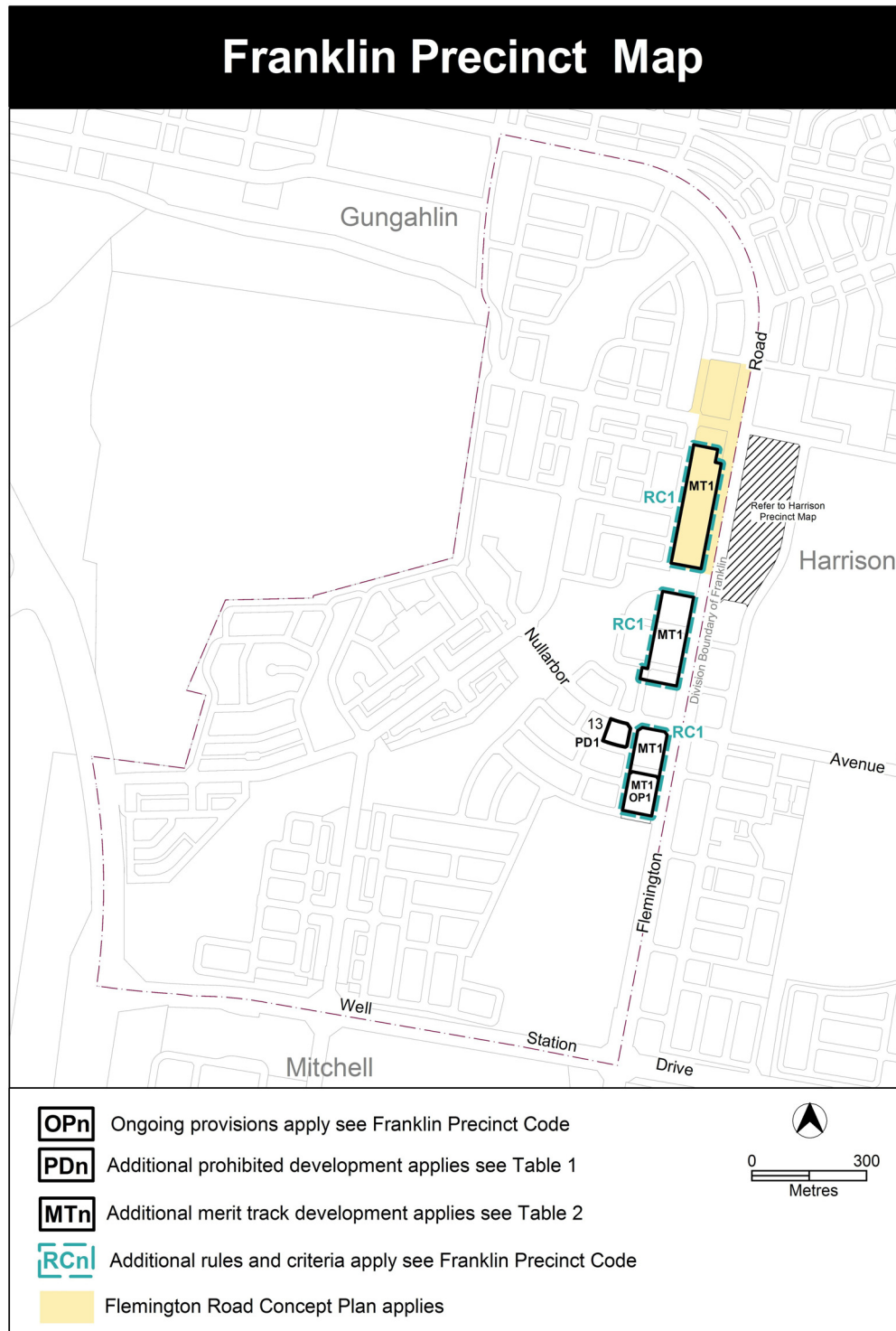
Substitute



3.4 Franklin Precinct Map and Code

4 Franklin Precinct Map

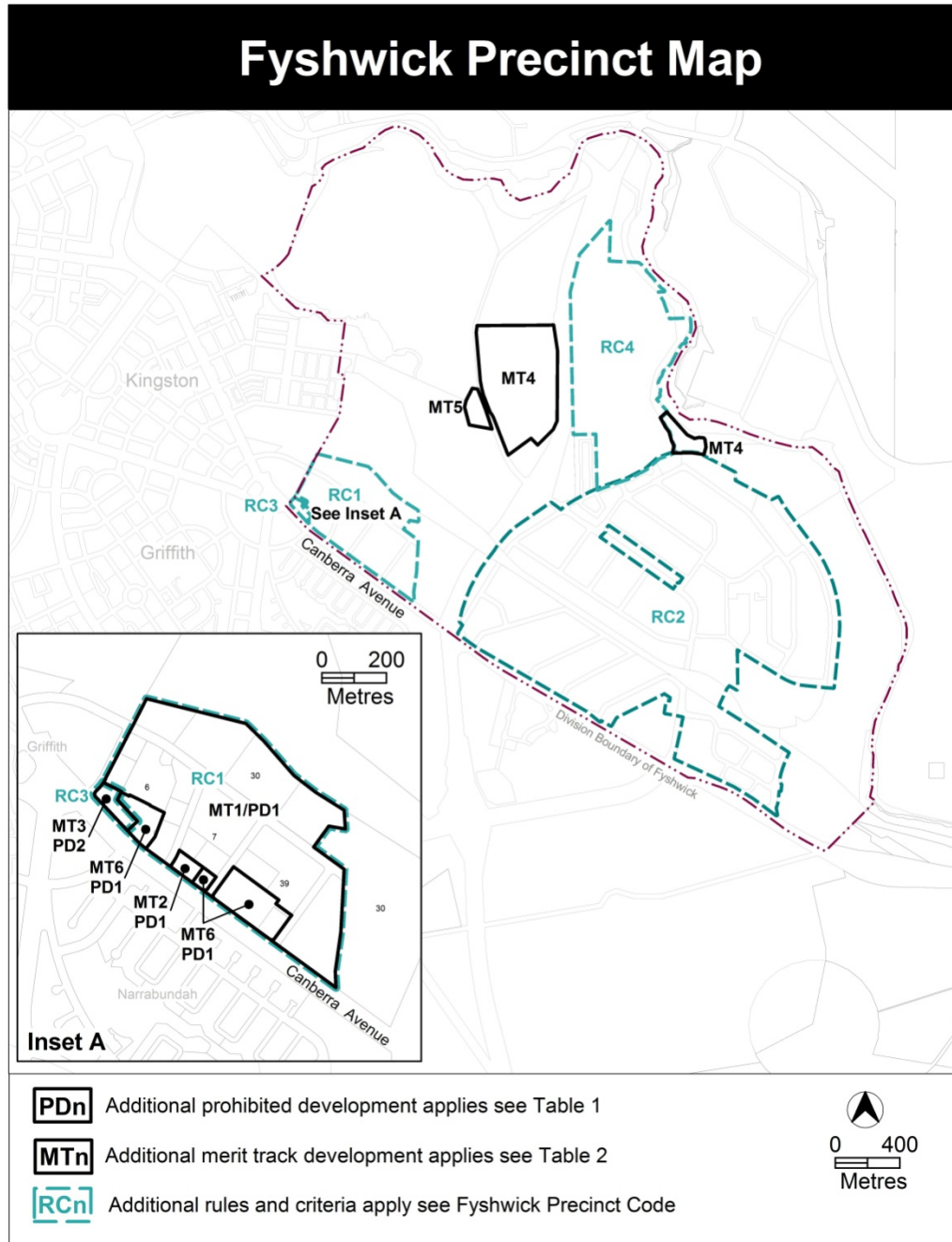
Substitute



3.5 Fyshwick Precinct Map and Code

5 Fyshwick Precinct Map

Substitute



6 Fyshwick Precinct Code, Table 2 – Additional merit track development

Substitute

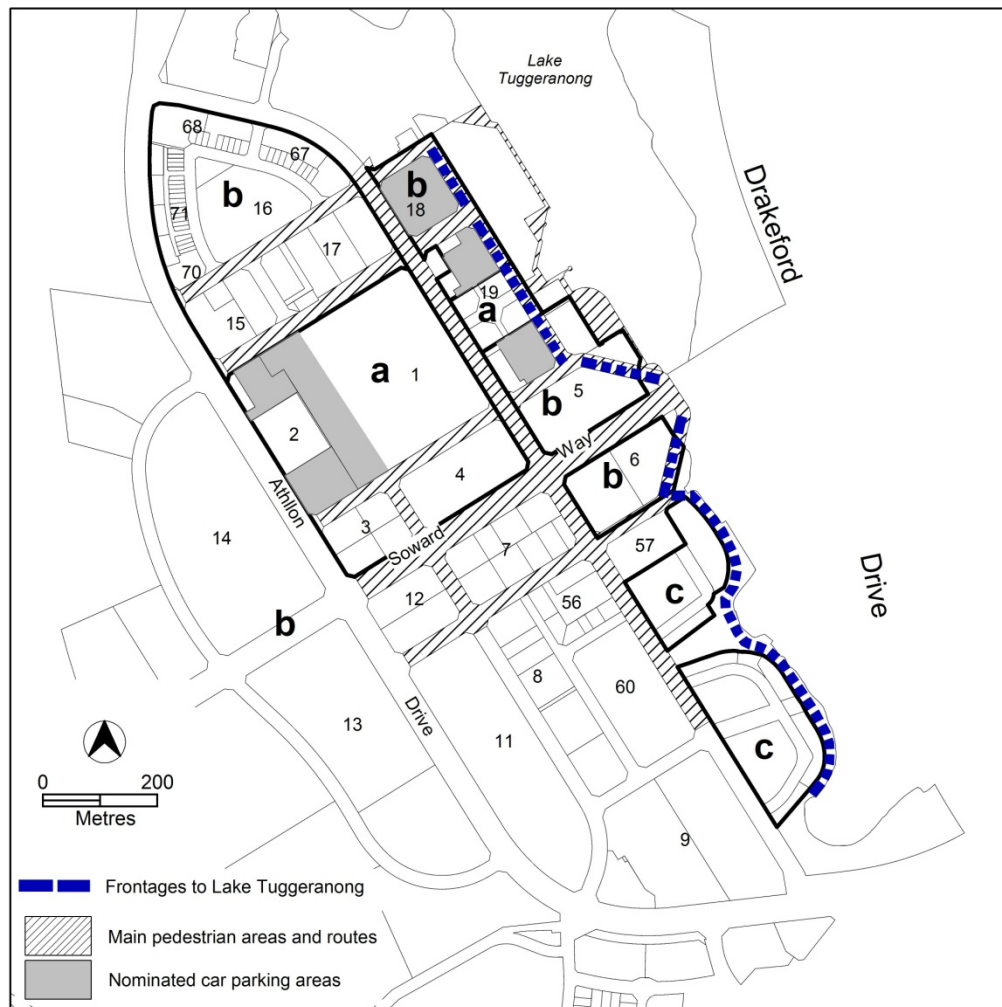
Table 2 – Additional merit track development

Additional merit track development that may be approved subject to assessment		
Suburb precinct map label	Zone	Development
MT1	IZ2	<i>produce market</i>
MT2	IZ2	<i>office, service station</i>
MT3	CZ2	<i>scientific research establishment</i>
MT4	NUZ4	<i>treatment plant</i>
MT5	NUZ4	<i>educational establishment</i>
MT6	IZ2	<i>office, produce market</i>

3.6 Greenway Precinct Map and Code

7 Figure 1

Substitute



3.7 Gungahlin Precinct Map and Code

8 General development controls, element 3: Restrictions on use, Rules

Substitute 1.1 Ground floor use – CZ5 with

3.1 Ground floor use – CZ5

9 General development controls, Element 3: Restrictions on use, Rules

Substitute 1.2 Ground floor use – CZ5 – floor area limit with

3.2 Ground floor use – CZ5 – floor area limit

10 General development controls, Element 5: Built form, Criterion C9

Substitute with

5.1 Building design - general	
There is no applicable rule.	<p>C9</p> <p>Development complies with all of the following:</p> <ul style="list-style-type: none">a) contributes to the desired planning outcomes of the town centre as described in the introduction of this documentb) corner buildings contain focal points providing architectural interest and variety to the building designc) entrances to common lobbies for residential use provide strong visual connection to the street and ensure a high level of surveillanced) buildings incorporate sun shading to reduce summer sun into the building interiore) car parking structures are designed to integrate with the built form of adjoining development.

11 Precinct 1b – Retail core mixed use, Element 11: Use, Criterion C32

Omit text C32

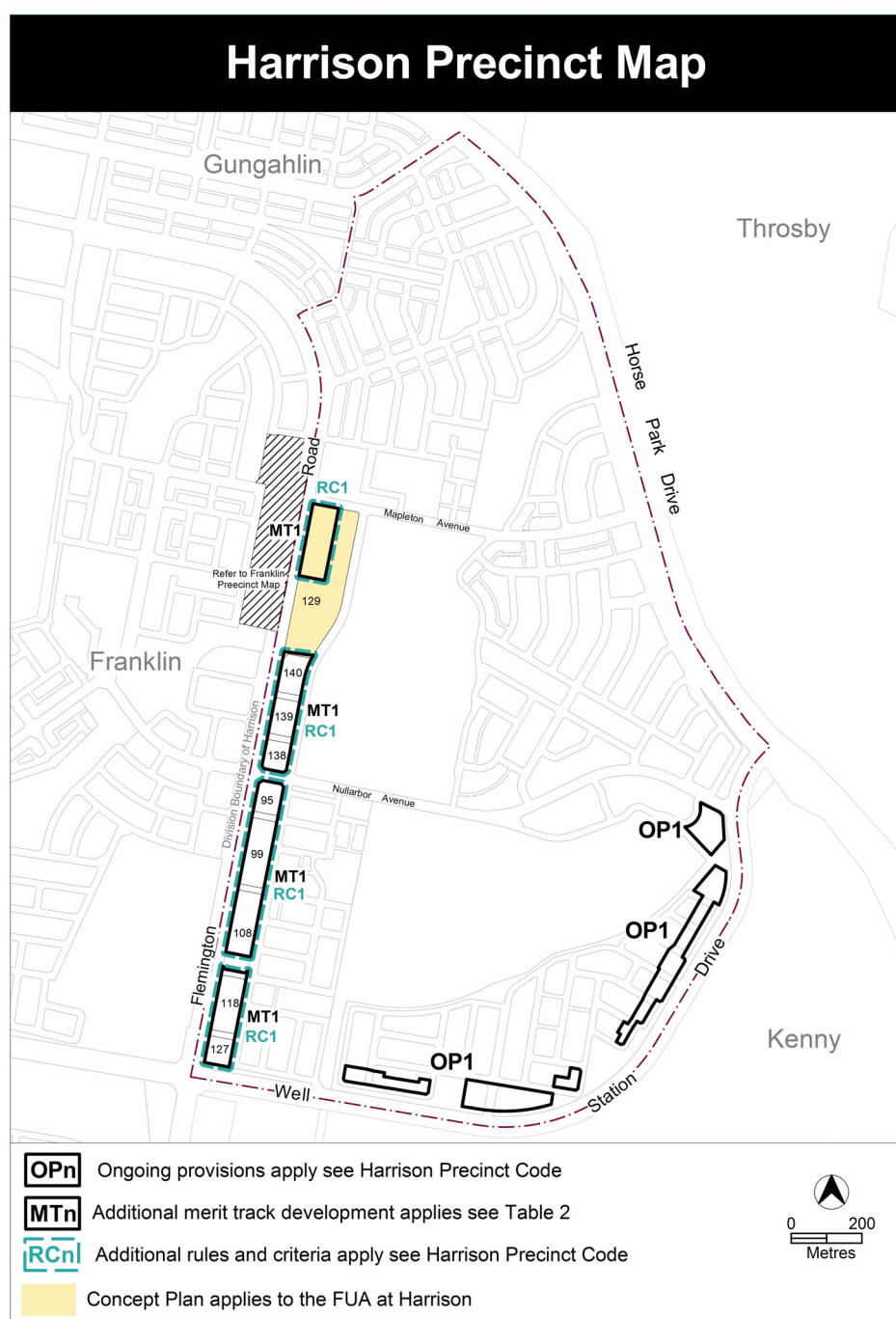
12 Precinct 1b – Retail core mixed use, Element 11: Use, Criterion C33

Omit text C33

3.8 Harrison Precinct Map and Code

13 Harrison Precinct Map

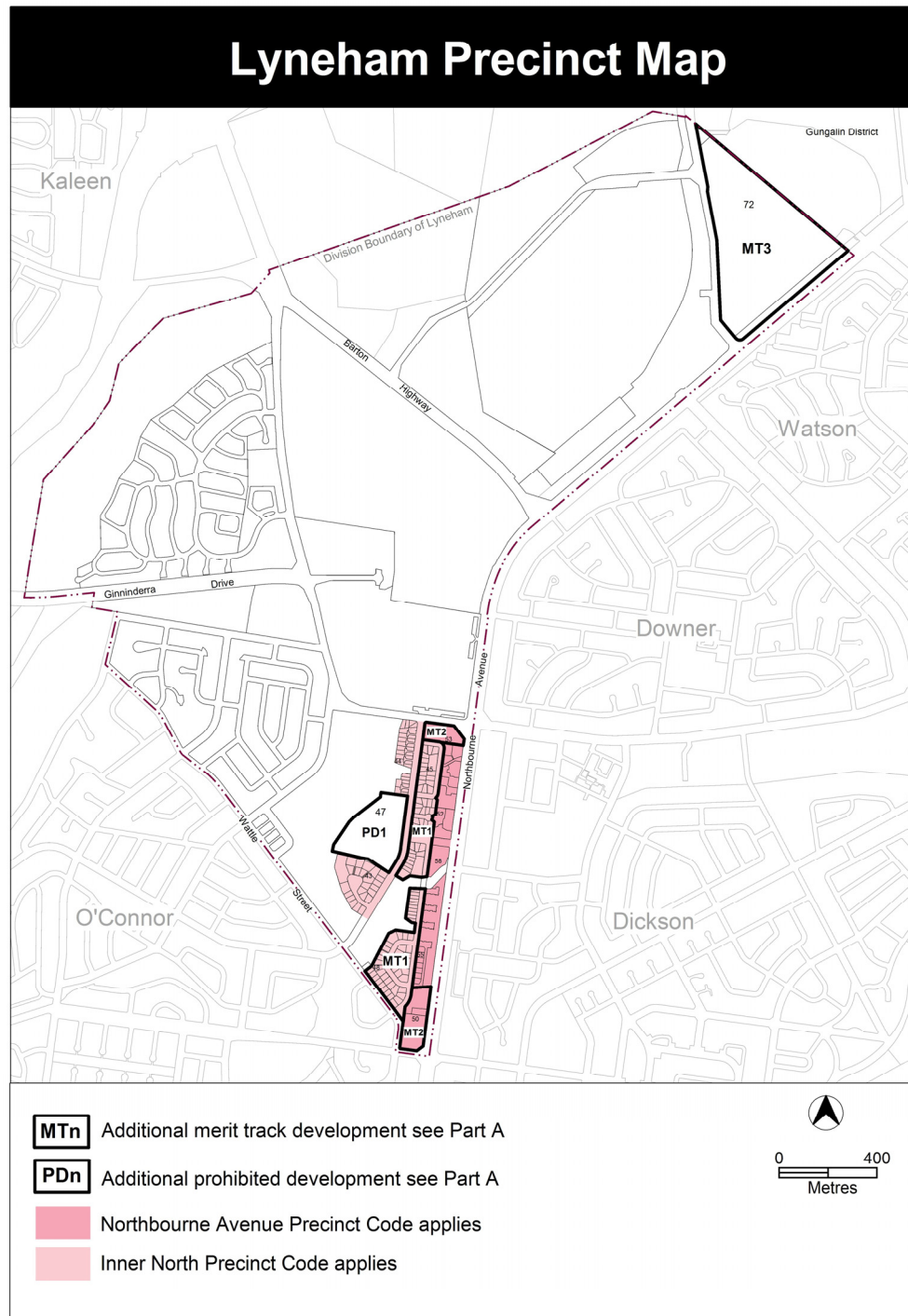
Substitute



3.9 Lyneham Precinct Map and Code

14 Lyneham Precinct Map

Substitute



3.10 Pialligo Precinct Map and Code

15	Assessment Tracks, Table 1 – Additional prohibited development, Development
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Substitute land management authority *with*

land management facility

3.11 Communications Facilities and Associated Infrastructure General Code

16	Part A(2), (b)
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Omit

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