

Australian Capital Territory

Planning and Development (Technical Amendment— Miscellaneous Amendments) Plan Variation 2013 (No 1)

**Notifiable Instrument NI2013 — 5
Technical Amendment No 2013-01**

made under the

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

This Technical Amendment commences on 11 January 2013.

Technical Amendment Number 2013-01 to the Territory Plan has been approved by the planning and land authority.

Jim Corrigan
Delegate of the Planning and Land Authority

8 January 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 – 01

Miscellaneous amendments to the Beard Precinct Map and Code,
and the following zone development tables:

Commercial CZ1 Core Zone
Commercial CZ2 Business Zone
Commercial CZ3 Services Zone
Commercial CZ5 Mixed Use Zone
Commercial CZ6 Leisure and Accommodation Zone
Industrial IZ1 General Zone
Industrial IZ2 Mixed Use Zone
Community Facility Zone
Parks and Recreation PRZ1 Urban Open Space
Non urban NUZ1 Broadacre Zone
Non urban NUZ3 Hills, Ridges and Buffer Zone
Non urban NUZ4 River Corridor
Non urban NUZ5 Mountains and Bushland Zone

January 2013

Contents

| | | |
|------|---|---|
| 1. | INTRODUCTION | 4 |
| 1.1 | Purpose | 4 |
| 1.2 | Public consultation..... | 4 |
| 1.3 | Process..... | 4 |
| 1.4 | ACT Planning Strategy | 5 |
| 1.5 | Compliance with the Act | 5 |
| 2. | EXPLANATION | 6 |
| 2.1 | Zone development Tables | 6 |
| 2.2 | Commercial CZ2 Business Zone Development Table | 6 |
| 2.3 | Commercial CZ3 Services Zone Development Table | 6 |
| 2.4 | Commercial CZ5 Mixed Use Zone Development Table | 7 |
| 2.5 | Beard Precinct Map and Code..... | 7 |
| 3. | TECHNICAL AMENDMENT | 8 |
| 3.1 | Zone Development Tables..... | 8 |
| 3.2 | Commercial CZ1 Core Zone Development Table | 8 |
| 3.3 | Commercial CZ2 Business Zone Development Table | 8 |
| 3.4 | Commercial CZ3 Services Zone Development Table | 8 |
| 3.5 | Commercial CZ5 Mixed Use Zone Development Table | 8 |
| 3.6 | Commercial CZ6 Leisure and Accommodation Zone | 8 |
| 3.7 | Industrial IZ1 General Zone Development Table | 9 |
| 3.8 | Industrial IZ2 Mixed Use Zone Development Table | 9 |
| 3.9 | Community Facility Zone Development Table | 9 |
| 3.10 | Parks and Recreation PRZ1 Urban Open Space Zone Development Table..... | 9 |
| 3.11 | Non Urban NUZ1 Broadacre Zone Development Table | 9 |

| | | |
|------|--|----|
| 3.12 | Non Urban NUZ3 Hills, Ridges and Buffer Zone Development Table..... | 9 |
| 3.13 | Non Urban NUZ4 River Corridor Zone Development Table..... | 9 |
| 3.14 | Non Urban NUZ5 Mountains and Bushland Zone Development Table..... | 10 |
| 3.15 | Beard Precinct Map and Code..... | 10 |

1. INTRODUCTION

1.1 Purpose

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

Delete redundant figures in the following zone development tables:

commercial CZ1 core zone
commercial CZ2 business zone
commercial CZ3 services zone
commercial CZ5 mixed use zone
commercial CZ6 leisure and accommodation zone
industrial IZ1 general zone
industrial IZ2 mixed use zone
community facility zone
parks and recreation PRZ1 urban open space
non urban NUZ1 broadacre zone
non urban NUZ3 hills, ridges and buffer zone
non urban NUZ4 river corridor
non urban NUZ5 mountains and bushland zone

Make corrections to the following zone development tables:

commercial CZ2 business zone
commercial CZ3 services zone
commercial CZ5 mixed use zone

Make corrections to the Beard Precinct Map and Code

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.
- Section 87 (f) of the *Planning and Development Act 2007* in that it is a variation to omit something that is obsolete or redundant in the Territory Plan.

2. EXPLANATION

2.1 Zone development Tables

2.1.1 Zone development Tables

Approved technical amendment TA2012-06 relocated all site/ area specific provisions within the zone development tables (with the exception of the residential zones, which are subject to draft variation DV306) to suburb precinct codes and maps. Therefore, all of the figures in the following zone development tables are redundant and will be deleted:

commercial CZ1 core zone

commercial CZ2 business zone

commercial CZ3 services zone

commercial CZ5 mixed use zone

commercial CZ6 leisure and accommodation zone

industrial IZ1 general zone

industrial IZ2 mixed use zone

community facility zone

parks and recreation PRZ1 urban open space

non urban NUZ1 broadacre zone

non urban NUZ3 hills, ridges and buffer zone

non urban NUZ4 river corridor

non urban NUZ5 mountains and bushland zone

2.2 Commercial CZ2 Business Zone Development Table

2.2.1 Minimum assessment track merit

The implementation of technical amendment TA2012-06 resulted in several development types being incorrectly inserted and / or duplicated in the table. These errors will be corrected by this amendment.

2.3 Commercial CZ3 Services Zone Development Table

2.3.1 Minimum assessment track merit

The implementation of technical amendment TA2012-06 resulted in several development types not being carried over into the new table. The correct development types will be inserted into the table by this amendment.

2.4 Commercial CZ5 Mixed Use Zone Development Table

2.4.1 Prohibited development

The implementation of technical amendment TA2012-06 resulted in several development types not being carried over to the new table and other types that were incorrectly inserted into the table. These errors will be corrected by this amendment.

2.5 Beard Precinct Map and Code

2.5.1 Table 1 – Additional prohibited development

Table 1 contains 3 development types, namely *transport depot*, *veterinary hospital* and *woodlot*, which should not be listed in the table. These development types were incorrectly transferred to the Beard Precinct Map and Code via technical amendment TA2012-06.

3. TECHNICAL AMENDMENT

3.1 Zone Development Tables

1 Zone development Tables

Substitute each zone development table with the respective zone development table in Appendix 1.

3.2 Commercial CZ1 Core Zone Development Table

2 Figure 1 City West – ANU Precinct

Omit

3.3 Commercial CZ2 Business Zone Development Table

3 Figures 1 - 9

Omit

3.4 Commercial CZ3 Services Zone Development Table

4 Figure 1 City Centre (Braddon)

Omit

3.5 Commercial CZ5 Mixed Use Zone Development Table

5 Figures 1 – 9

Omit

3.6 Commercial CZ6 Leisure and Accommodation Zone

6 Figures 1 – 8

Omit

3.7 Industrial IZ1 General Zone Development Table

7 Figures 1 - 2

Omit

3.8 Industrial IZ2 Mixed Use Zone Development Table

8 Figure 1

Omit

3.9 Community Facility Zone Development Table

9 Figures 1 - 2

Omit

3.10 Parks and Recreation PRZ1 Urban Open Space Zone Development Table

10 Figures 1 - 3

Omit

3.11 Non Urban NUZ1 Broadacre Zone Development Table

11 Figures 1 - 7

Omit

3.12 Non Urban NUZ3 Hills, Ridges and Buffer Zone Development Table

12 Figure 1

Omit

3.13 Non Urban NUZ4 River Corridor Zone Development Table

13 Figures 1 - 8

Omit

3.14 Non Urban NUZ5 Mountains and Bushland Zone Development Table

14 Figure 1

Omit

3.15 Beard Precinct Map and Code

15 Table 1 – Additional prohibited development

Omit:

transport depot
veterinary hospital
woodlot

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: |
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| ITALIAN | Se avete bisogno di un interprete, telefonate al numero: |
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| PERSIAN | : اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید: |
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| 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

Zone development tables

CZ2 – Business Zone Development Table

| EXEMPT DEVELOPMENT | |
|--|----------------------------------|
| Development approval is not required. Building approval may be required. On leased land, development must be authorised by a lease. | |
| Development identified in the Planning and Development Act 2007 as exempt (see sections 133 and 134 of the Act and section 20 and schedule 1 of the Planning and Development Regulation 2008) | |
| ASSESSABLE DEVELOPMENT | |
| Development application required. On leased land, development must be authorised by a lease. | |
| MINIMUM ASSESSMENT TRACK CODE | |
| Development listed below requires a development application and is assessed in the code track | |
| Development | |
| No development identified. | |
| MINIMUM ASSESSMENT TRACK MERIT | |
| Development listed below requires a development application and is assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track) or specified as prohibited development in a precinct map. | |
| Development | |
| ancillary use | minor road |
| car park | minor use |
| civic administration | NON RETAIL COMMERCIAL USE |
| club | outdoor recreation facility |
| COMMERCIAL ACCOMMODATION USE | parkland |
| communications facility | pedestrian plaza |
| COMMUNITY USE | place of assembly |
| consolidation | public transport facility |
| craft workshop | recyclable materials collection |
| demolition | RESIDENTIAL USE |
| development in a location and of a type identified in a precinct map as additional merit track development | restaurant |
| drink establishment | SHOP |
| emergency services facility | sign |
| home business | subdivision |
| indoor entertainment facility | temporary use |
| indoor recreation facility | tourist facility |
| MINIMUM ASSESSMENT TRACK IMPACT | |
| Development listed below requires a development application and is assessed in the impact track | |
| 1. Development that is not: <ol style="list-style-type: none"> a. Exempt code track or merit track development; or b. Prohibited development other than development that is permitted under s137 of the Planning and Development Act 2007. | |
| 2. Development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table. | |
| 3. Development that is authorised by a lease and listed as a prohibited use in this table. | |

4. Development declared under section 123 or section 124 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.

5. Varying a lease add a use assessable under the impact track.

PROHIBITED DEVELOPMENT

Development listed below is prohibited development unless the development is identified elsewhere in this development table as assessable under the code, merit or impact track.

| | |
|---|---|
| agriculture | mining industry |
| airport | mobile home park |
| animal care facility | municipal depot |
| animal husbandry | nature conservation area |
| aquatic recreation facility | offensive industry |
| boarding house | overnight camping area |
| bulk landscape supplies | plant and equipment hire establishment |
| caravan park/camping ground | plantation forestry |
| cemetery | playing field |
| corrections facility | produce market |
| defence installation | railway use |
| development in a location and of a type identified in a precinct map as additional prohibited development | recycling facility |
| drive-in cinema | road |
| farm tourism | sand and gravel extraction |
| freight transport facility | scientific research establishment |
| funeral parlour | service station |
| general industry | stock/sale yard |
| group or organised camp | store |
| hazardous industry | transport depot |
| hazardous waste facility | varying a lease to add a use listed as "prohibited development" in this development table |
| incineration facility | vehicle sales |
| industrial trades | veterinary hospital |
| land fill site | warehouse |
| land management facility | waste transfer station |
| light industry (except for craft workshop) | woodlot |
| liquid fuel depot | zoological facility |
| MAJOR UTILITY INSTALLATION | |

RELEVANT CODE

Development proposals must comply with the Commercial Zones Development Code.

NOTE ABOUT ANCILLARY, MINOR AND TEMPORARY USE

Some development that would otherwise be prohibited may be assessed under the merit track if they can be defined as *ancillary, minor or temporary use*. For example, a *store* alone is prohibited, but could be considered if it is ancillary to a *shop* which is an assessable development under the merit track.

CZ3 – Services Zone Development Table

| | |
|---|--|
| EXEMPT DEVELOPMENT | |
| Development approval is not required. Building approval may be required. On leased land, development must be authorised by a lease. | |
| Development identified in the Planning and Development Act 2007 as exempt (see sections 133 and 134 of the Act and section 20 and schedule 1 of the Planning and Development Regulation 2008) | |
| ASSESSABLE DEVELOPMENT | |
| Development application required. On leased land, development must be authorised by a lease. | |
| MINIMUM ASSESSMENT TRACK CODE | |
| Development listed below requires a development application and is assessed in the code track | |
| Development | |
| No development identified | |
| MINIMUM ASSESSMENT TRACK MERIT | |
| Development listed below requires a development application and is assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track) or specified as prohibited development in a precinct map. | |
| Development | |
| ancillary use | NON RETAIL COMMERCIAL USE |
| car park | outdoor recreation facility |
| civic administration | parkland |
| club | pedestrian plaza |
| COMMERCIAL ACCOMMODATION USE | place of assembly |
| communications facility | plant and equipment hire establishment |
| COMMUNITY USE | produce market |
| consolidation | public transport facility |
| craft workshop | recyclable materials collection |
| demolition | RESIDENTIAL USE |
| development in a location and of a type identified in a precinct map as additional merit track development | restaurant |
| drink establishment | service station |
| emergency services facility | SHOP |
| freight transport facility | sign |
| funeral parlour | store |
| home business | subdivision |
| indoor entertainment facility | temporary use |
| indoor recreation facility | tourist facility |
| industrial trades | transport depot |
| light industry | vehicle sales |
| minor road | veterinary hospital |
| minor use | warehouse |
| municipal depot | |
| MINIMUM ASSESSMENT TRACK IMPACT | |
| Development listed below requires a development application and is assessed in the impact track | |

1. Development that is not:
 - a. Exempt code track or merit track development; or
 - b. Prohibited development other than development that is permitted under s137 of the Planning and Development Act 2007.
2. Development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table.
3. Development that is authorised by a lease and listed as a prohibited use in this table.
4. Development declared under section 124 or section 125 of the Planning and Development Act 2007 and not listed as a prohibited development in this table.
5. Varying a lease to add a use assessable under the impact track.

PROHIBITED DEVELOPMENT

Development listed below is prohibited development unless the development is identified elsewhere in this development table as assessable under the code, merit or impact track.

| | |
|---|---|
| agriculture | land management facility |
| airport | liquid fuel depot |
| animal care facility | MAJOR UTILITY INSTALLATION |
| animal husbandry | mining industry |
| aquatic recreation facility | mobile home park |
| boarding house | nature conservation area |
| bulk landscape supplies | offensive industry |
| caravan park/camping ground | overnight camping area |
| cemetery | plantation forestry |
| corrections facility | playing field |
| defence installation | railway use |
| development in a location and of a type identified in a precinct map as additional prohibited development | recycling facility |
| drive-in cinema | road |
| farm tourism | sand and gravel extraction |
| general industry | scientific research establishment |
| group or organised camp | stock/sale yard |
| hazardous industry | varying a lease to add a use listed as "prohibited development" in this development table |
| hazardous waste facility | waste transfer station |
| incineration facility | woodlot |
| land fill site | zoological facility |

RELEVANT CODE

Development proposals must comply with the Commercial Zones Development Code.

NOTE ABOUT ANCILLARY, MINOR AND TEMPORARY USE

Some development that would otherwise be prohibited may be assessed under the merit track if they can be defined as *ancillary, minor or temporary use*. For example, a *scientific research establishment* alone is prohibited, but could be considered if it is ancillary to a *NON RETAIL COMMERCIAL USE* which is an assessable development under the merit track.

CZ5 – Mixed Use Zone Development Table

| EXEMPT DEVELOPMENT | |
|--|-----------------------------|
| Development approval is not required. Building approval may be required. On leased land, development must be authorised by a lease. | |
| Development identified in the Planning and Development Act 2007 as exempt (see sections 133 and 134 of the Act and section 20 and schedule 1 of the Planning and Development Regulation 2008) | |
| ASSESSABLE DEVELOPMENT | |
| Development application required. On leased land, development must be authorised by a lease. | |
| MINIMUM ASSESSMENT TRACK CODE | |
| Development listed below requires a development application and is assessed in the code track | |
| Development | |
| No development identified | |
| MINIMUM ASSESSMENT TRACK MERIT | |
| Development listed below requires a development application and is assessed in the merit track, unless specified in schedule 4 of the Planning and Development Act 2007 (as impact track) or specified as prohibited development in a precinct map. | |
| Development | |
| ancillary use | multi-unit housing |
| boarding house | NON RETAIL COMMERCIAL USE |
| car park | outdoor recreation facility |
| communications facility | parkland |
| COMMUNITY USE | pedestrian plaza |
| consolidation | place of assembly |
| demolition | public transport facility |
| development in a location and of a type identified in a precinct map as additional merit track development | relocatable unit |
| emergency services facility | RESIDENTIAL USE |
| guest house | restaurant |
| home business | serviced apartment |
| hotel | SHOP |
| indoor recreation facility | sign |
| minor road | subdivision |
| minor use | temporary use |
| motel | |
| MINIMUM ASSESSMENT TRACK IMPACT | |
| Development listed below requires a development application and is assessed in the impact track | |
| 1. Development that is not: <ol style="list-style-type: none"> a. Exempt code track or merit track development; or b. Prohibited development other than development that is permitted under s137 of the Planning and Development Act 2007. | |
| 2. Development specified in schedule 4 of the Planning and Development Act 2007 and not listed as a prohibited use in this table. | |
| 3. Development that is authorised by a lease and listed as a prohibited use in this table. | |
| 4. Development declared under section 124 or section 125 of the Planning and Development Act 2007 and not listed as a prohibited development in this table. | |

5. Varying a lease to add a use assessable under the impact track.

PROHIBITED DEVELOPMENT

Development listed below is prohibited development unless the development is identified elsewhere in this development table as assessable under the code, merit or impact track.

| | |
|---|---|
| agriculture | MAJOR UTILITY INSTALLATION |
| airport | mining industry |
| animal care facility | mobile home park |
| animal husbandry | municipal depot |
| aquatic recreation facility | nature conservation area |
| bulk landscape supplies | offensive industry |
| caravan park/camping ground | overnight camping area |
| cemetery | plant and equipment hire establishment |
| civic administration | plantation forestry |
| club | produce market |
| corrections facility | railway use |
| craft workshop | recyclable materials collection |
| defence installation | recycling facility |
| development in a location and of a type identified in a precinct map as additional prohibited development | road |
| drink establishment | sand and gravel extraction |
| drive-in cinema | scientific research establishment |
| farm tourism | service station |
| freight transport facility | stock/sale yard |
| funeral parlour | store |
| general industry | tourist facility |
| group or organized camp | tourist resort |
| hazardous industry | transport depot |
| hazardous waste facility | varying a lease to add a use listed as "prohibited development" in this development table |
| incineration facility | vehicle sales |
| indoor entertainment facility | veterinary hospital |
| industrial trades | warehouse |
| land fill site | waste transfer station |
| land management facility | woodlot |
| light industry | zoological facility |
| liquid fuel depot | |

RELEVANT CODE

Development proposals must comply with the Commercial Zones Development Code.

NOTE ABOUT ANCILLARY, MINOR AND TEMPORARY USE

Some development that would otherwise be prohibited may be assessed under the merit track if they can be defined as *ancillary, minor or temporary use*. For example, a *store* alone is prohibited, but could be considered if it is ancillary to a *shop* which is an assessable development under the merit track.