

Australian Capital Territory

Planning and Development (Technical Amendment—Miscellaneous Amendments) Plan Variation 2013 (No 6)*

Notifiable Instrument NI2013—535

Technical Amendment No 2013—22

made under the

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

This technical amendment commences on 29 November 2013.

Variation No 2013—22 to the Territory Plan has been approved by the planning and land authority.

Jim Corrigan
Delegate of the Planning and Land Authority
22 November 2013

*Name amended under Legislation Act, s 60

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



ACT
Government

Environment and
Sustainable Development

**ACT Planning and
Land Authority**

Planning and Development Act 2007

Technical Amendment to the Territory Plan Variation 2013 – 22

Miscellaneous amendments and removal of redundant provisions
from various codes

November 2013

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Contents

1.	INTRODUCTION	1
1.1	Purpose	1
1.2	Public consultation.....	1
1.3	Process.....	1
1.4	ACT Planning Strategy	1
1.5	Compliance with the Act	2
2.	EXPLANATION	3
2.1	Multi Unit Housing Development Code	3
2.2	Industrial Zones Development Code.....	3
2.3	Urban Open Space Zone Development Table	3
2.4	Restricted Access Recreation Zone Development Table.....	3
2.5	Greenway Precinct Map and Code	3
2.6	Macgregor Precinct Map.....	3
2.7	Inner North Precinct Code	3
2.8	Lease Variation General Code	4
3.	TECHNICAL AMENDMENT	5
3.1	Multi Unit Housing Development Code	5
3.2	Industrial Zones Development Code.....	5
3.3	Urban Open Space Zone Development Table	5
3.4	Restricted Access Recreation Zone Development Table.....	5
3.5	Greenway Precinct Map and Code	6
3.6	Macgregor Precinct Map and Code	7
3.7	Inner North Precinct Code	8
3.8	Lease Variation General Code	8

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1. INTRODUCTION

1.1 Purpose

This technical amendment makes the following changes to the Territory Plan:

Provision / code	Changes
Multi Unit Housing Development Code	Correction of spelling error in Element 1
Industrial Zones Development Code	Remove Rule R8 – not necessary in code as duplicated in the <i>Unit Titles Act 2001</i>
Urban Open Space Zone Development Table	Correction of spelling error in merit assessment track
Restricted Access Recreation Zone Development Table	Correction of spelling error in merit assessment track
Greenway Precinct Map and Code	Correction to Figure 1
Macgregor Precinct Map	Correct an omission on the map
Inner North Precinct Code	Correction to the precinct code rule R7.
Lease Variation General Code	Remove Element 4.2 - not necessary in code as legislated in <i>Planning and Development Act 2007</i>

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(g) of the *Planning and Development Act 2007* being a variation to omit something that is obsolete or redundant in the territory plan

2. EXPLANATION

2.1 Multi Unit Housing Development Code

A spelling mistake has been corrected in the wording under Part A, Element 1, Item 1.2 in the Multi Unit Housing Development Code on page 4.

2.2 Industrial Zones Development Code

The *Unit Titles Act 2001* (the Act) was amended in 2011 to include the requirements referred to in Rule R8 of the Industrial Zones Development Code. As a result, R8 is a duplication of the requirements in the Act, and can be removed from the code.

2.3 Urban Open Space Zone Development Table

A spelling mistake has been corrected in the wording in the merit assessment track.

2.4 Restricted Access Recreation Zone Development Table

A spelling mistake has been corrected in the wording in the merit assessment track as per 2.4 above.

2.5 Greenway Precinct Map and Code

Figure 1 was correct in the version of the precinct map and code published on 14 December 2012. However, when changes were made to the diagram and published on 31 May 2013, a solid black line around area 'b' containing sections 13 and 14 was inadvertently removed. Figure 1 has been corrected in this TA.

2.6 Macgregor Precinct Map

The Macgregor Precinct Map was correct in the version of the precinct map published on 20 November 2012 (NI2012-587). However, when the new precinct map and code were published on 14 December 2012, part of the area subject to a maximum single storey rule (RC1) was omitted. The precinct map has been corrected in this TA.

2.7 Inner North Precinct Code

The Inner North Precinct Code contains Rule R7 that states that 'No building or design elements including basement structure are to be located forward of the specified minimum front setback'. This rule should have specified that it was the front street setback. This TA corrects this omission.

2.8 Lease Variation General Code

Item 4.2 and Rule R5 which referred to the removing of concessional status of a lease has been deleted as it is considered to be a redundant provision. The social impact assessment requirements referred to in R5 is now legislated in the Planning and Development Act 2007 section 139 (2) (l) (i).

3. TECHNICAL AMENDMENT

3.1 Multi Unit Housing Development Code

1. Part A – General Controls; Element 1: Restrictions on use; Item 1.2 Dual occupancy housing – single dwelling blocks – RZ2

Substitute

Rules	Criteria
R2 In RZ2, the minimum area of <i>single dwelling blocks</i> for <i>dual occupancy housing</i> is 700m ² .	This is a mandatory requirement. There is no applicable criterion

3.2 Industrial Zones Development Code

2. Part B – General Development Controls; Element 2: Building and Site Controls; 2.1 Subdivision, R8

Delete Rule R8

3.3 Urban Open Space Zone Development Table

3. Minimum Assessment Track Merit

Substitute after demolition

development in a location and of a type identified in a precinct map as additional merit track development

3.4 Restricted Access Recreation Zone Development Table

4. Minimum Assessment Track Merit

Substitute after demolition

development in a location and of a type identified in a precinct map as additional merit track development

3.5 Greenway Precinct Map and Code

5. RC 3 Tuggeranong Town Centre

Substitute

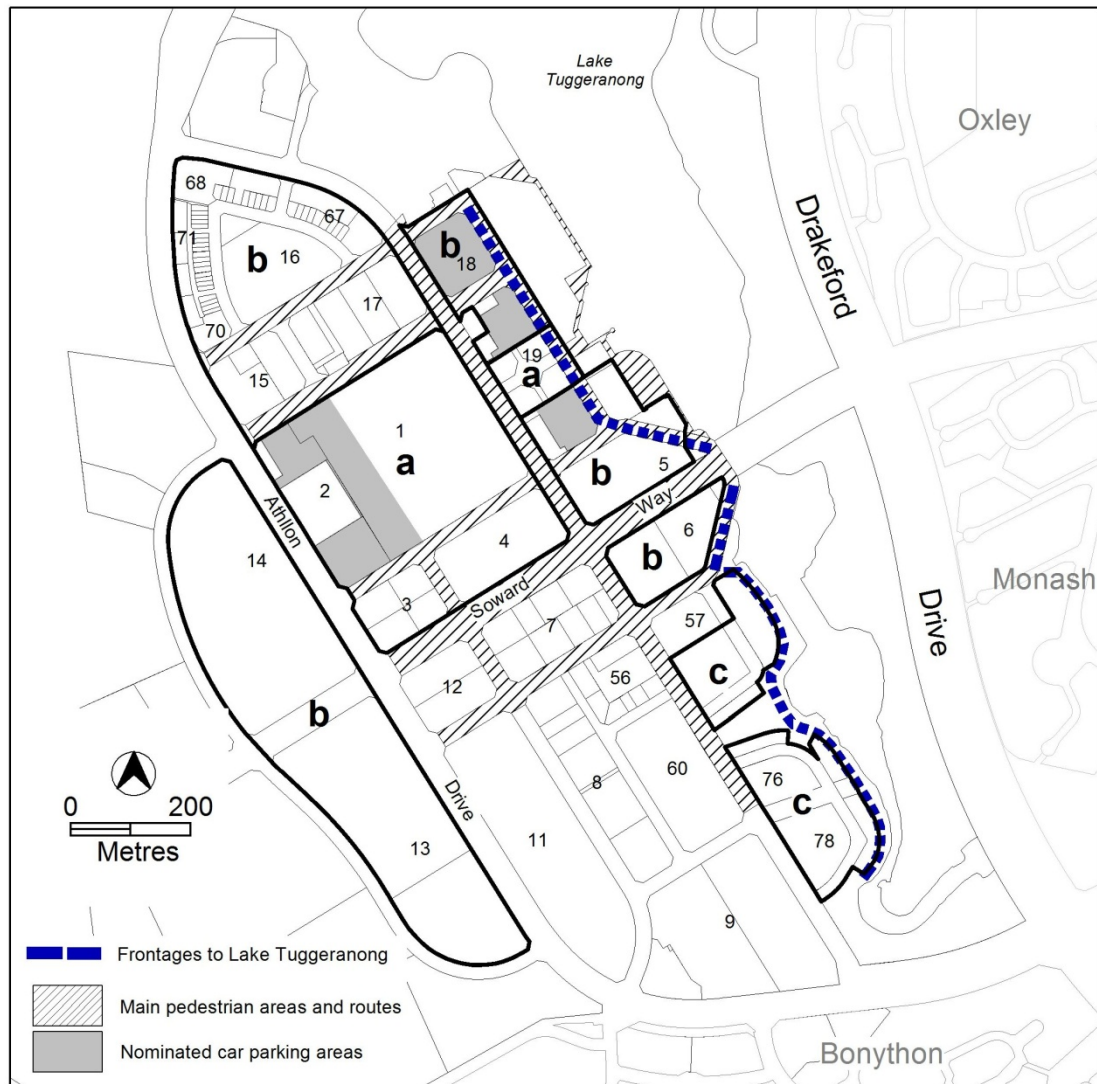
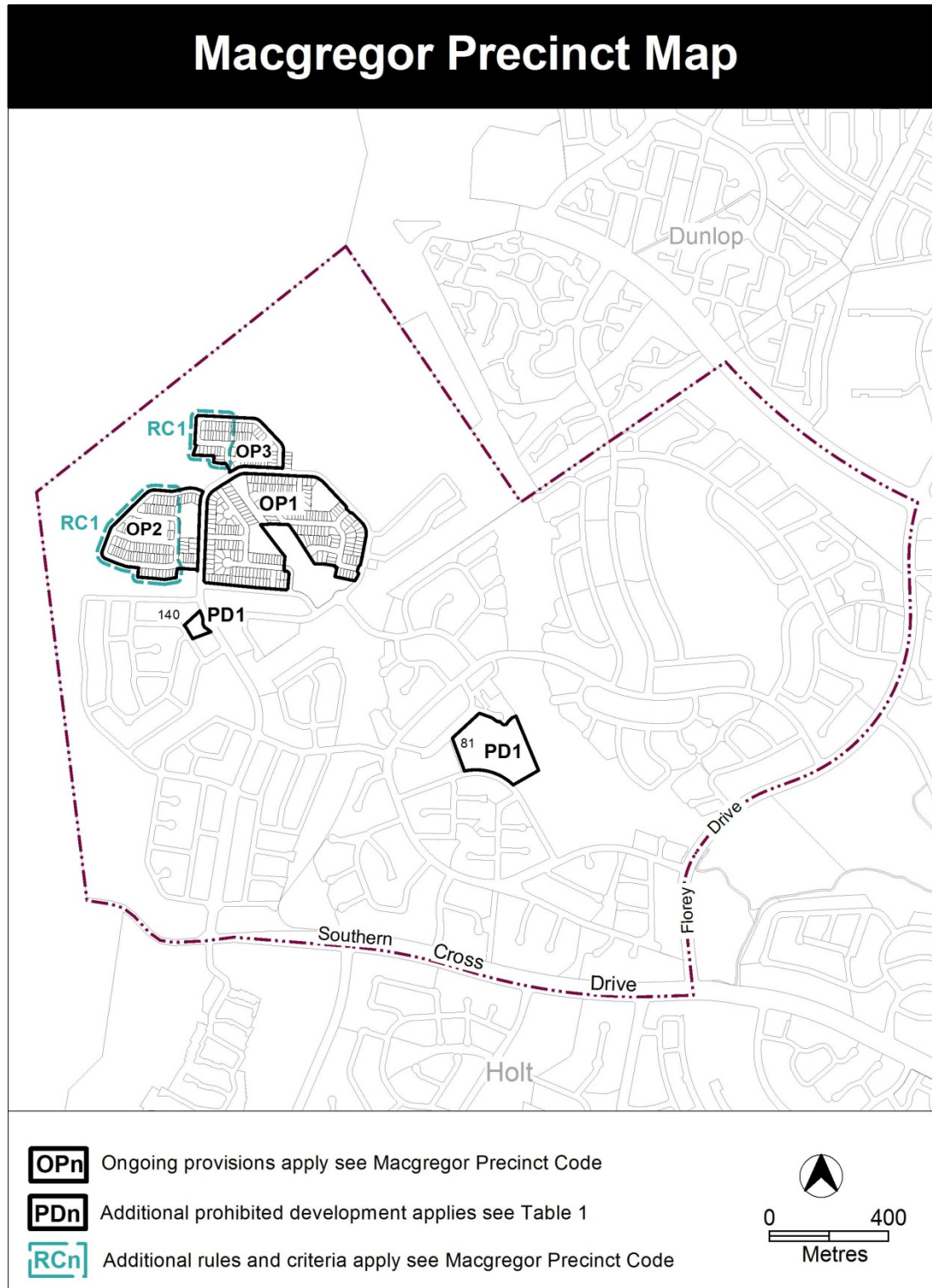


Figure 1

3.6 Macgregor Precinct Map and Code

6. Macgregor Precinct Map

Substitute



3.7 Inner North Precinct Code

7. Element 2: Building and Site Controls; 2.3 Front Setbacks, Rule R7

Substitute

Rules	Criteria
R7 No building or design elements including basement structure are to be located forward of the specified minimum front street setback.	This is a mandatory requirement. There is no applicable criterion

3.8 Lease Variation General Code

8. Element 4: Variations to add particular uses; Item 4.2 Removing concessional status, Rule R5

Delete Item 4.2 and R5

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