

Australian Capital Territory

Planning and Development (Technical Amendment—code amendment) Plan Variation 2014 (No 1)

Notifiable Instrument NI2014—275

Technical Amendment No 2014—06

made under the

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

This technical amendment commences on 20 June 2014.

Variation No 2014—06 to the Territory Plan has been approved by the planning and land authority.

Jim Corrigan
Delegate of the Planning and Land Authority
17 June 2014



ACT

Government

Environment and
Sustainable Development

Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2014-06

Code changes to Coombs and Wright concept
plan and various development codes and precinct
codes

June 2014

Commencement version

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1. INTRODUCTION

1.1 Purpose

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

Residential zones development code

- Clarify wording in rule R40 regarding construction of dual occupancy development

Single dwelling housing development code

- Amend rule R1 regarding the subdivision of dual occupancies in RZ2 areas and associated plot ratio requirements
- Rectify rule R7 to refer to '*northern boundary*'
- Add a note to rule R8 that the '*north facing boundary*' definition applies to blocks approved prior to 5 July 2013

Commercial zones development code

- Adjust rule R60 to make it clearer that the residential component of a mixed use development needs to comply with the multi unit housing development code

Community facility zone development code

- Amend rule R1 to be consistent with definition of *supportive housing*

Casey precinct map and code

- Remove ongoing provisions for noise mitigation requirements from certain blocks in Casey

Gungahlin precinct map and code

- Reconsideration of mandatory building envelope controls (Rule R25 and Figure 14) and solar access provision (Rule R26 and Figure 16) to provide greater flexibility to achieve the desired outcomes to meet the intent of the controls
- Minor amendments and clarifications to other rules in precinct code

Coombs and Wright concept plan

- Adjust rule R50 to provide greater flexibility for achieving required yield targets in CZ4 and CZ5 precincts in Coombs
- Add a note to criterion C57 to make it clear that this provision does not apply to residential buildings facing Blackmore Street.

1.2 Public consultation

Under section 88 of the Planning and Development Act 2007 (the Act) this type of technical amendment is subject to limited public consultation. The public was notified through a newspaper notice. At the conclusion of the limited consultation period, any representations were considered by the planning and land authority (the Authority) within the Environment and Sustainable Development Directorate. The Authority then determines a day when the technical amendment is to commence by way of a commencement notice.

1.3 National Capital Authority

The National Capital Authority has been advised of this technical amendment.

1.4 Process

This technical amendment has been prepared in accordance with section 87 of the *Planning and Development Act 2007* (the Act). Comments received from the public and the National Capital Authority were taken into account before the planning and land authority “made” the technical amendment under section 89 of the Act. The planning and land authority must now notify the public of its decision.

1.5 Types of technical amendments under the Act

The following categories of technical amendments are provided under section 87 of the Act:

- (a) a variation (an **error variation**) 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
 - (iii)
- (b) a variation (a **code variation**) that –
 - (i) would only change a code; and
 - (ii) is consistent with the policy purpose and policy framework of the code; and
 - (iii) is not an error variation
- (c) a variation in relation to a future urban area under section 95 (Technical amendments – future urban areas);
- (d) a variation in relation to an estate development plan under section 96 (Effect of approval of estate development plan);
- (e) a variation to change the boundary of a zone or overlay under section 96A (Rezoning – boundary changes);
- (f) a variation required to bring the territory plan into line with the national capital plan;

- (g) a variation to omit something that is obsolete or redundant in the territory plan;
- (h) a variation to clarify the language in the territory plan if it does not change the substance of the plan;
- (i) a variation to relocate a provision within the territory plan if the substance of the provision is not changed.

Following each item in Part 2 Explanation of this technical amendment is a statement of compliance against the specific criteria for the relevant category of technical amendment.

TA2014-06 has been prepared in accordance with section 87(b) of the Act.

2. EXPLANATION

This part of the technical amendment document explains the changes to be made to the Territory Plan, the reasons for the change, and a statement of compliance against the relevant section of the Act.

2.1 Residential zones development code

Rule R40 of the residential zones development code that was introduced in Variation 306 (V306) requires clarification in that the wording makes it unclear whether a dual occupancy development is required to be constructed prior to permitting subdivision. A lease cannot be approved as it leaves open the potential for subdivided blocks to be sold without another dwelling being constructed. It would also mean that dwellings yet to be constructed would not be required to comply with the relevant setbacks in the single dwelling housing development code, while development already constructed is required to comply.

The current rule appears to only apply to blocks where the dwellings have already been constructed and not to development where the dwellings have yet to be constructed, which was not the intention.

To clarify that dual occupancy developments are required to be constructed prior to approval of subdivision, as per the provisions in the multi unit housing development code prior to V306, rule R40 has been amended to clarify the provisions.

Original provision (multi unit housing development code prior to V306)

Rules	Criteria
1.1 Subdivision of a standard block into two blocks	
<p>R247A</p> <p>Subdivision of a lease of a standard block to provide for two separate leases each containing a dwelling may only be permitted where:</p> <ul style="list-style-type: none">a) both dwellings are already lawfully constructed; andb) new boundaries created as a result of the subdivision are located such that the buildings comply with the relevant setback and building envelope provisions of the Single Dwelling Housing Development Code with respect to those boundaries; andc) each block is provided with separate utility services. <p>Blocks created as a result of a subdivision of a lease for a standard block shall not be further subdivided.</p>	<p>C247A</p> <p>This is a mandatory requirement. There is no applicable criterion.</p>

Existing provision

9.6 Subdivision of a dual occupancy – other than RZ1	
<p>R40</p> <p>This rule applies to blocks with all of the following characteristics:</p> <ul style="list-style-type: none">a) located in a residential zone other than RZ1b) the site of an approved and constructed <i>dual occupancy development</i>. <p><i>Subdivision</i> is permitted only where all of the following are met:</p> <ul style="list-style-type: none">a) not more than 2 <i>leases</i> are createdb) each proposed <i>block</i> contains a lawfully constructed <i>dwelling</i>c) new boundaries created as a result of the <i>subdivision</i> are located such that the buildings comply with the relevant <i>setback</i> and building envelope provisions of the Single Dwelling Housing Development Code with respect to those boundariesd) each <i>block</i> is or can be (on the written advice of the relevant service provider) provided with separate utility services. <p><i>Blocks</i> created under this rule cannot be further subdivided.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Proposed provision:

9.6 Subdivision of a dual occupancy – other than RZ1	
<p>R40</p> <p>This rule applies to blocks located in a residential zone other than RZ1.</p> <p><i>Subdivision of a dual occupancy housing</i> development is permitted only where all of the following are met:</p> <ul style="list-style-type: none">a) not more than 2 <i>leases</i> are createdb) each proposed <i>block</i> contains a lawfully constructed <i>dwelling</i>c) new boundaries created as a result of the <i>subdivision</i> are located such that the buildings comply with the relevant <i>setback</i> and building envelope provisions of the Single Dwelling Housing Development Code with respect to those boundariesd) each <i>block</i> is or can be (on the written advice of the relevant service provider) provided with separate utility services. <p><i>Blocks</i> created under this rule cannot be further subdivided.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(b) a variation (a code variation) that –</p> <ul style="list-style-type: none">(i) would only change a code(ii) is consistent with the policy purpose and policy framework of the code; and(iii) is not an error variation.	<p>Compliant. This amendment would clarify the intent of the provision and ensure that the development is to be constructed prior to permitting subdivision. This is consistent with the policy purpose of the code.</p>

2.2 Single dwelling housing development code

Changes to rule R1

Rule R1 provides plot ratio controls for single dwelling blocks, and has three basic components:

- (a) A plot ratio control of 50% for large blocks (other than large blocks that fall under part b of the rule)

- (b) For blocks in RZ1 that were created by the subdivision of a dual occupancy development, the plot ratio is the greater of the following two options:
- i) the plot ratio of the block when it was created
 - ii) the maximum plot ratio calculated for the original block (ie: before subdivision) under R6 of the MUHDC
- (c) in all other cases, there is no applicable plot ratio.

Part (a) of the rule appears to be similar to previous requirements prior to V306. However, part (b) of the rule appears incomplete, as it nominates plot ratio controls for subdivision of dual occupancy development in RZ1 but remains silent on subdivision of dual occupancy development for RZ2, which previously had similar controls. Part (ii) of (b) refers to the plot ratio for dual occupancy development in RZ1.

There are an unknown number of RZ1 blocks that could be subdivided under this rule in light of the subdivision restrictions noted in rule R38 of the residential zones development code, and the provision should remain.

An additional component to the rule is made to enable controls over the subdivision of dual occupancies in RZ2 to retain the provisions that were in place prior to V306.

Existing provision

Rules	Criteria
1.1 Plot ratio – single dwelling blocks	
<p>R1</p> <p>This rule applies to <i>single dwelling blocks</i>.</p> <p><i>Plot ratio</i> is:</p> <ul style="list-style-type: none"> a) for <i>large blocks</i>, other than those referred to in item b) – not more than 50% b) for blocks in RZ1 created by subdivision of <i>dual occupancy housing</i>, the greater of – <ul style="list-style-type: none"> i) the <i>plot ratio</i> at the creation of the block, and ii) the maximum <i>plot ratio</i> calculated for the original block (ie. before subdivision) under R6 of the Multi Unit Housing Development Code c) in all other cases – not applicable. <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Proposed provision

1.1 Plot ratio – single dwelling blocks	
<p>R1</p> <p>This rule applies to <i>single dwelling blocks</i>.</p> <p><i>Plot ratio</i> is:</p> <p>a) for <i>large blocks</i>, other than those referred to in item b) – not more than 50%</p> <p>b) for <i>blocks</i> created by subdivision of <i>dual occupancy housing</i>, the greater of –</p> <p>i) the <i>plot ratio</i> of the approved development at the time of creation of the new block, or</p> <p>ii) the maximum <i>plot ratio</i> calculated for the original block (ie. before subdivision) under:</p> <p>l) for RZ1- R6 of the Multi Unit Housing Development Code</p> <p>ll) for RZ2- R7 of the Multi Unit Housing Development Code</p> <p>c) in all other cases – not applicable.</p> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Main changes:

at b)(i) – identifies that the plot ratio at the creation of the block is the approved plot ratio of the development at the time of the creation of the new (subdivided) block. This component is amended for the purposes of clarity.

at b)ii)l) and ll) – separates provisions for RZ1 and RZ2 and identifies the respective rule in the multi unit housing development code for each. This component is amended for the purposes of clarity and to ensure the relevant part of the multi unit housing development code is considered in assessment.

This rule, as amended, specifies 50% plot ratio for large blocks, no plot ratio for blocks less than 500m², and ensures that the size of dual occupancy development is retained, even after blocks have been subdivided.

This rule will limit general increases in gross floor area where a dual occupancy development is approved with a specific plot ratio (say 35% in RZ2), then is

subdivided, to ensure each dwelling cannot then increase their respective plot ratio to 50%.

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. These amendments are consistent with the policy purpose of the code and ensure that any misinterpretation of the requirements is removed.

Changes to rule R7

Rule R7 refers to sun angle building envelope requirements for blocks approved after 5 July 2013. Changes were made to this rule post Variation 306 through technical amendment TA2013-12, however, the references to '*north facing boundary*' inadvertently replaced the references to '*northern boundary*'. This TA rectifies this situation by re-inserting the correct references to '*northern boundary*' in the rule, in line with the definition in the Territory Plan.

Section	Statement
s87(a) 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	Compliant. This TA only corrects a formal error in R7 in the SDHDC by correcting the reference to ' <i>northern boundary</i> '.

Changes to rule R8

Rule R8 refers to '*north facing boundary*' in the description of the provision. This is because the rule specifically refers to building envelopes for mid-sized blocks approved before 5 July 2013. This is the date when changes to the residential development codes were introduced through Variation 306 and the definition was changed to '*northern boundary*'.

To avoid confusion, a note is included at the end of the rule to explain that the previous '*north facing boundary*' applies in these instances only.

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. These amendments are consistent with the policy purpose of the code to make it clear what requirements apply to rule R8.

2.3 Commercial zones development code

An issue was identified where one residential dwelling is associated with a commercial mixed use development rather than multi unit housing (as is usually the case). The definition of single dwelling housing refers to the use of the land for a single dwelling only (and not a commercial component) while the definition of multi unit housing refers to two or more dwellings. Therefore as neither definition is appropriate in this situation it is not clear which housing development code should apply to the residential component. As the policy intention is for the multi unit code to apply to mixed use developments, it is proposed to adjust Rule R60 to ensure that this type of residential development in commercial mixed use zones complies with the multi unit housing development code.

Existing provision

19.2 Multi unit housing	
Rules	Criteria
R60 <i>Multi unit housing</i> complies with the Residential Zones – Multi Unit Housing Development Code.	C60 This is a mandatory requirement. There is no applicable criterion.

Proposed provision

19.2 Multi unit housing	
Rules	Criteria
R60 <i>Multi unit housing</i> or the residential component of commercial mixed use development complies with the Residential Zones – Multi Unit Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. This amendment ensures that residential components of mixed use development are correctly assessed in line with the provisions in the relevant development code. This is consistent with the policy purpose of the code.

2.4 Community facility zone development code

Rule R1 is amended to remove the inconsistency between the revised definition for '*supportive housing*' introduced into the Territory Plan through Variation 302, and the existing wording in R1 regarding development for supportive housing in the community facility zone.

Existing provision

1.1 Supportive housing	
Rules	Criteria
<p>R1</p> <p>Development for supportive housing complies with all of the following:</p> <ul style="list-style-type: none"> a) the occupation of individual dwellings in a supportive housing complex is restricted by the lease to persons with special housing needs for reasons of age or disability b) the site has not been identified in a suburb precinct code as being prohibited for supportive housing c) all dwellings comply with Class 'C' of <i>Australian Standard AS4299 – Adaptable Housing</i> d) subdivision of a lease developed for supportive housing, including subdivision under the Unit Titles Act 2001, is not permitted 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Proposed provision

1.1 Supportive housing	
Rules	Criteria
<p>R1</p> <p>Development for <i>supportive housing</i> complies with all of the following:</p> <ul style="list-style-type: none"> a) the occupation of individual dwellings in a <i>supportive housing</i> complex is restricted by the lease to persons in <u>need of support</u> b) the site has not been identified in a suburb precinct code as being prohibited for 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

<p><i>supportive housing</i></p> <p>c) all dwellings comply with Class 'C' of <i>Australian Standard AS4299 – Adaptable Housing</i></p> <p>d) subdivision of a lease developed for <i>supportive housing</i>, including subdivision under the Unit Titles Act 2001, is not permitted.</p>	
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Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – <ul style="list-style-type: none"> (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation. 	Compliant. This change brings the rule in line with changes to the definition and is consistent with the policy purpose of the code.

2.5 Casey precinct map and code

A number of blocks in Figure 6 Casey residential area 4, in the Casey precinct map and code have been classified as being subject to noise mitigation requirements due to their location adjacent or in close proximity to roads which are considered to be high traffic volume roads. However it was noted by the Transport Planning and Projects section that some of the roads which these blocks abut are highly unlikely to exceed 3,000 to 4,000 vehicles per day. This means that the requirements for acoustic assessments and noise mitigation measures are not necessary for the subject blocks. Figure 6 is amended to remove these blocks from the classification of being potentially affected by noise from external sources.

Current provision

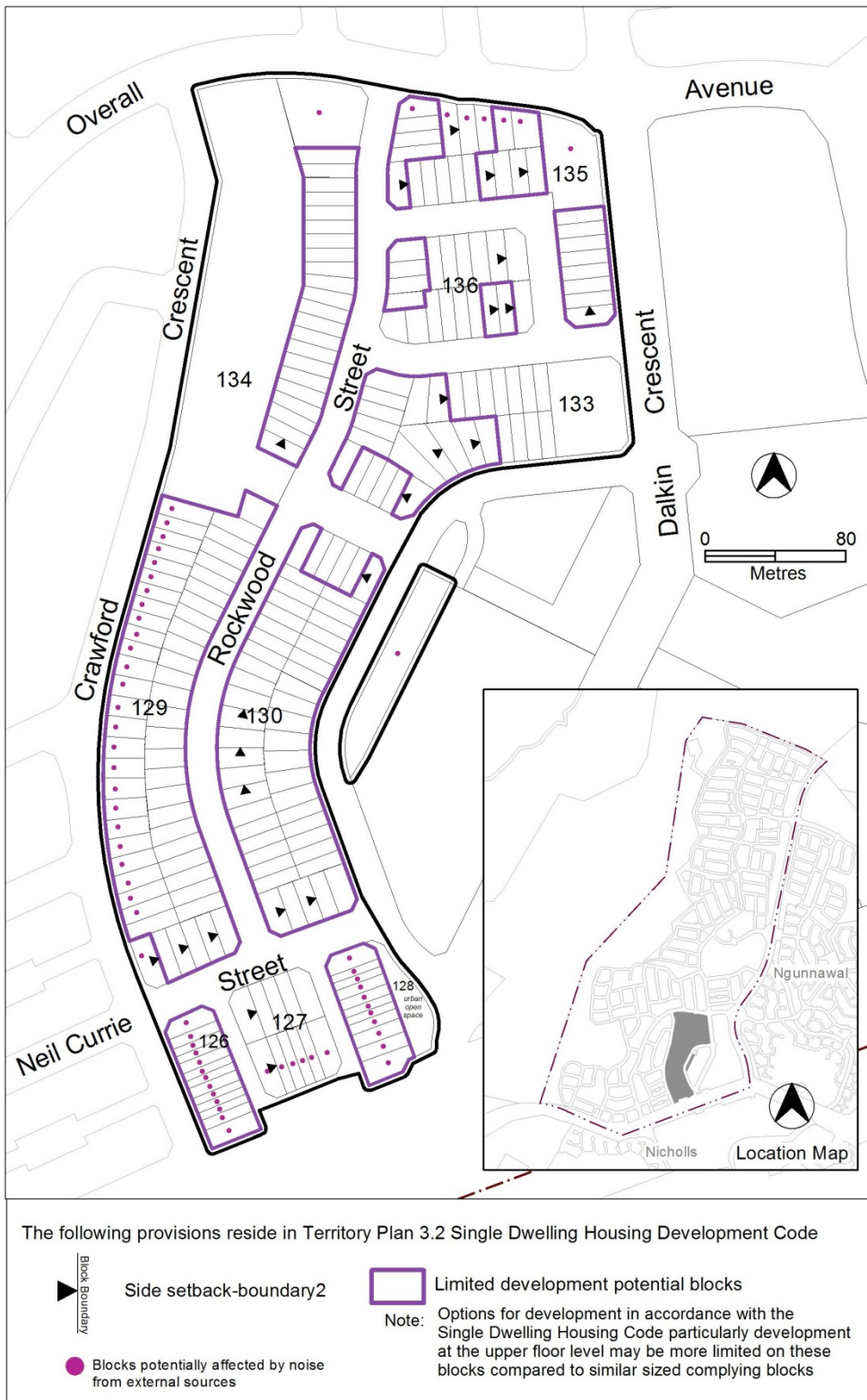


Figure 6 Casey residential area 4

Proposed provision

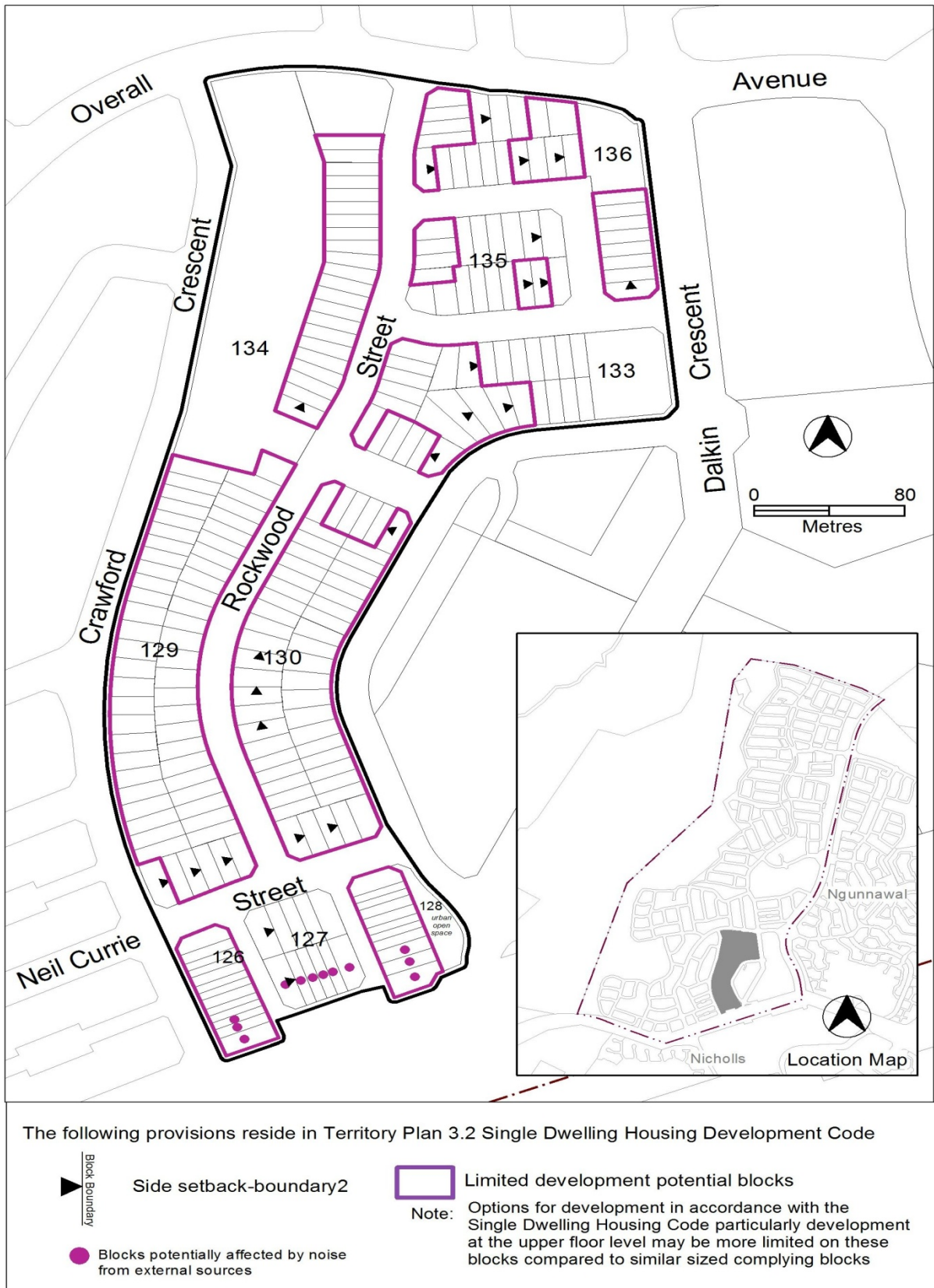


Figure 6 Casey residential area 4

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. This change ensures that only the required blocks are subject to noise mitigation provisions and is consistent with the policy purpose of the code.

2.6 Gungahlin precinct map and code

Amendments to rule R25

Concerns have been raised regarding the building envelope specified for blocks on Hibberson Street in the retail core of the Gungahlin town centre. The concerns relate to the mandatory building envelope controls (Rule R25 and Figure 14) and solar access provision (Rule R26 and Figure 16).

The reason for the concern is that there is a significant east west slope along Hibberson Street affecting some development sites. The current solar access provision does not provide enough flexibility to deal with the slope, which was the original intent of the control. Current controls would considerably restrict development potential on some sites. Rule R26 and Figure 16 were intended to accommodate the slope along Hibberson Street, however the way it is currently worded does not adequately allow for the slope.

To rectify this situation, Figures 14 and 16 have been deleted, but Figure 15 building envelope has been retained and is applied to all 6 blocks in the retail core (Precinct 1a), with amendments to the solar access control (Rule R25) for blocks on the northern side of Hibberson Street, as detailed below.

Current provision

Rules	Criteria
9.1 Building envelope	
R25 Rooftop building elements, including lift overruns and plant and equipment are contained within the building envelope controls shown in figure 14 for <i>sites</i> north of Hibberson Street and figure 15 for <i>sites</i> south of Hibberson Street. Note: Minor encroachments of building envelopes are addressed below, in a separate provision.	This is a mandatory requirement. There is no applicable criterion.

Proposed provision

Rules	Criteria
9.1 Building envelope	
R25 <u>Rooftop building elements, including lift overruns and plant and equipment are contained within the building envelope controls shown in figure 15.</u>	This is a mandatory requirement. There is no applicable criterion.

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. This amendment will reduce confusion in applying the building envelope control, be able to deal with the slope across the subject sites and is consistent with the policy purpose of the code.

Amendments to rule R26

The amended rule will allow the current provisions contained in R26 to be deleted as it will no longer be relevant. To keep the intent of R26 and maintain solar access onto the south of Hibberson Street, the following provisions to replace R26 is proposed:

Existing provision

9.1 Building envelope	
Rules	Criteria
R26 For development on sections on the northern side of Hibberson Street, encroachment above the building envelope shown in figure 14 is permitted only in the area identified in figure 16 where all of the following is achieved: a) on the vertical plane, the height of any building elements is a maximum 1.5m above the 30 degree pitch on the building envelope b) on the horizontal plane, the length of all building elements is a maximum of 15% of the length of each block frontage	This is a mandatory requirement. There is no applicable criterion.

Proposed provision

Rules	Criteria
9.1 Building envelope	
R26 For development on the northern side of Hibberson Street, development is to maintain a minimum of 3 hours solar access to the southern verge of Hibberson Street, particularly between 12 noon and 2 pm on the winter solstice (21 June).	C26 Buildings on the northern side of Hibberson Street are limited in height to ensure the verge on the southern side of Hibberson Street remains substantially sunlit, particularly between 12 noon and 2 pm on the winter solstice (21 June).

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. This amendment will reduce confusion in applying the building envelope control and solar access requirements. The amendment will also allow for the slope on the subject sites to be appropriately managed and is consistent with the policy purpose of the code.

Other minor amendments and clarifications to the precinct code:

Amendment to rule R30 a)

The amended rule will provide more clarity in the location of building awnings in the retail core, ensuring that building awnings are provided for the full extent of mandatory active frontages and along a minimum of 50% of the building frontage along main pedestrian routes.

Existing provision

10.2 Awnings	
Rules	Criteria
R30 Buildings must incorporate awnings that comply with all of the following: a) cantilevered awnings for the full extent of the building frontage along main pedestrian areas and routes identified in figure 13 b) awnings are to be a minimum height of 3m in cantilever width c) awnings are to be a minimum height of 3m above finished pavement or ground level	This is a mandatory requirement. There is no applicable criterion.

of the verge d) awnings are to be integrated into the building design at the first floor level	
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Proposed provision

Rules	Criteria
10.2 Awnings	
R30 Buildings must incorporate awnings that comply with all of the following: a) <u>cantilevered awnings for the full extent of the building frontage identified as <i>mandatory active frontage</i> in figure 11 and a minimum of 50% of the building frontage identified as main pedestrian areas and routes shown in figure 13</u> b) awnings are to be a minimum height of 3m in cantilever width c) awnings are to be a minimum height of 3m above finished pavement or ground level of the verge d) awnings are to be integrated into the building design at the first floor level	This is a mandatory requirement. There is no applicable criterion.

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. This amendment clarifies where building awnings are required in the town centre along active frontages and main pedestrian routes, and is consistent with the policy purpose of the code.

Amendment to rule R41

This amendment seeks to include the street names in the rule consistent with Figure 19. This change will further clarify where front block boundary setbacks are required in the office core, even after the sites have been subdivided for future development.

Existing provision

Rules	Criteria
R41 Minimum 6m setback to all front boundaries as illustrated in figures 18 and 19.	This is a mandatory requirement. There is no applicable criterion.

Proposed provision

Rules	Criteria
R41 Minimum 6m setback <u>to The Valley Avenue, Kate Crace Street, Ernest Cavanagh Street, Manning Clarke Crescent and Hibberson Street frontages</u> as illustrated in figures 18 and 19.	This is a mandatory requirement. There is no applicable criterion.

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. This amendment will reduce confusion in applying the front block boundary building setback control shown in Figures 18 and 19 and is consistent with the policy purpose of the code.

Amendments to rules R54 and R62

This amendment clarifies how the building envelopes are to be applied in Precincts 4a and 4b in the Code. The changes ensure that it is clear that the envelopes are applied to whole sections and not by individual blocks as illustrated in the supporting figures.

Existing provisions

Rules	Criteria
25.1 Building envelope	
R54 All building elements, including lift overruns and roof top plant are contained within building envelope controls shown in figure 20.	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
27.1 Building envelope and setbacks	
R62 All building elements, including lift overruns and roof top plant are contained within building envelope controls shown in figure 20.	This is a mandatory requirement. There is no applicable criterion.

Proposed provisions

Rules	Criteria
25.1 Building envelope	
R54 All building elements, including lift overruns and roof top plant are contained within building envelope controls shown in figure 20. <u>Note: Building envelopes shown in figure 20 are applied to whole Sections in Precinct 4a and 4b.</u>	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
27.1 Building envelope and setbacks	
<p>R62</p> <p>All building elements, including lift overruns and roof top plant are contained within building envelope controls shown in figure 20.</p> <p><u>Note: Building envelopes shown in figure 20 are applied to whole Sections in Precinct 4a and 4b.</u></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(b) a variation (a code variation) that –</p> <ul style="list-style-type: none"> (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation. 	<p>Compliant. This amendment will clarify how building envelopes are applied in Precincts 4a and 4b, and is consistent with the policy purpose of the code.</p>

Amendment to rule R65

This amendment is required to clarify where building awnings are to be applied in Precinct 4b in the Code.

Existing provision

10.2 Awnings	
Rules	Criteria
<p>R65</p> <p>Buildings must incorporate awnings that comply with the following:</p> <ul style="list-style-type: none"> a) cantilevered awnings for the full extent of the building frontage along main pedestrian areas and routes identified in figure 13 b) awnings are to be a minimum of 3m in cantilever width c) awnings are to be a minimum height of 3m above finished pavement or ground level of the verge d) awnings are to be integrated into the building design at the first floor level. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Proposed provision

Rules	Criteria
<p>R65</p> <p><u>Where the building frontage incorporates commercial uses at ground floor</u>, buildings must incorporate awnings that comply with the following:</p> <ul style="list-style-type: none">a) cantilevered awnings for the full extent of the building frontage along main pedestrian areas and routes identified in figure 13b) awnings are to be a minimum of 3m in cantilever widthc) awnings are to be a minimum height of 3m above finished pavement or ground level of the verged) awnings are to be integrated into the building design at the first floor level	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
<p>s87(b) a variation (a code variation) that –</p> <ul style="list-style-type: none">(i) would only change a code(ii) is consistent with the policy purpose and policy framework of the code; and(iii) is not an error variation.	<p>Compliant. This amendment provides more clarity for the location of building awnings in Precinct 4b and is consistent with the policy purpose of the code.</p>

2.7 Coombs and Wright concept plan

Amendment to rule R50

Rule R50 has been adjusted to provide greater flexibility for achieving required residential yield targets in the CZ4 and CZ5 zone precincts in Coombs. The modification to the requirements in the rule will not affect the overall residential density requirements for the zones, but will allow the requirements to be met over a defined precinct area rather than per block area. This is also in line with the wording used in Rule R49 regarding residential density requirements in each precinct.

Existing provision

Element 10: Residential density	
Rules	Criteria
R50 In CZ4 and CZ5 in precincts D, J, K and O, the minimum residential density on each block is one dwelling for each 150m ² of site area (rounded to the nearest whole number).	This is a mandatory requirement. There is no applicable criterion.

Proposed provision

Element 10: Residential density	
Rules	Criteria
R50 In CZ4 and CZ5 in precincts D, J, K and O, the <u>minimum average residential density for these zones in each precinct</u> is one dwelling for each 150m ² of site area (rounded to the nearest whole number).	This is a mandatory requirement. There is no applicable criterion.

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. The change is consistent with the policy purpose of the code in that the same minimum yield targets for each precinct within Coombs will still be achieved, while also providing the flexibility on how this is achieved.

Amendment to Criterion C57

Figure 4 in the Coombs and Wright concept plan indicates that for the CZ4 site in Coombs, shop frontages are required to John Gorton Drive, Fred Daly Avenue and Fairhall Street in Coombs whereas criterion C57 applies to the entire CZ4 site in Coombs.

A note has been added to criterion C57 to stipulate that this provision requiring buildings to be adaptable at ground floor level for commercial use do not apply to dwellings addressing the northern part of Blackmore Street. The buildings fronting the northern part of Blackmore Street are intended to be residential dwellings which

will screen the local centre supermarket from the street and provide higher levels of residential density including surveillance of Blackmore Street. In line with Figure 4 in the concept plan, there is minimal benefit in applying this criterion to any dwellings facing Blackmore Street.

Existing provision

Element 12: Local centre/mixed use node – CZ5/CZ4	
Rules	Criteria
There is no applicable rule.	C57 Buildings in CZ4 are designed to have the ground floor level be adaptable for commercial use.

Proposed provision

Element 12: Local centre/mixed use node – CZ5/CZ4	
Rules	Criteria
There is no applicable rule.	C57 Buildings in CZ4 are designed to have the ground floor level to be adaptable for commercial use. <u>Note: This criterion does not apply to buildings fronting the northern part of Blackmore Street.</u>

Statement of compliance with the *Planning and Development Act 2007*

Section	Statement
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. The addition of the note to the criterion does not affect the desired outcomes and intended built form of the site and is consistent with the policy purpose of the concept plan.

3. TECHNICAL AMENDMENT

This section of the technical amendment document provides the actual instructions for implementing the changes to the Territory Plan.

3.1 Residential zones development code

1. PART D: SUBDIVISION AND CONSOLIDATION; Element 9 Subdivision and consolidation; 9.6 Subdivision of a dual occupancy – other than RZ1
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Substitute

9.6 Subdivision of a dual occupancy – other than RZ1	
<p>R40</p> <p>This rule applies to blocks located in a residential zone other than RZ1.</p> <p><i>Subdivision of a dual occupancy housing</i> development is permitted only where all of the following are met:</p> <ul style="list-style-type: none">a) not more than 2 <i>leases</i> are createdb) each proposed <i>block</i> contains a lawfully constructed <i>dwelling</i>c) new boundaries created as a result of the <i>subdivision</i> are located such that the buildings comply with the relevant <i>setback</i> and building envelope provisions of the Single Dwelling Housing Development Code with respect to those boundariesd) each <i>block</i> is or can be (on the written advice of the relevant service provider) provided with separate utility services. <p><i>Blocks</i> created under this rule cannot be further subdivided.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

3.2 Single dwelling housing development code

2. Element 1: Building and site controls

Substitute

1.1 Plot ratio – single dwelling blocks

<p>R1</p> <p>This rule applies to <i>single dwelling blocks</i>.</p> <p><i>Plot ratio</i> is:</p> <p>a) for <i>large blocks</i>, other than those referred to in item b) – not more than 50%</p> <p>b) for <i>blocks</i> created by subdivision of <i>dual occupancy housing</i>, the greater of –</p> <p style="padding-left: 20px;">i) the <i>plot ratio</i> of the approved development at the time of creation of the new block, or</p> <p style="padding-left: 20px;">ii) the maximum <i>plot ratio</i> calculated for the original block (ie. before subdivision) under:</p> <p style="padding-left: 40px;">I) for RZ1- R6 of the Multi Unit Housing Development Code</p> <p style="padding-left: 40px;">II) for RZ2- R7 of the Multi Unit Housing Development Code</p> <p>c) in all other cases – not applicable.</p> <p>For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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3. Element 1: Building and site controls, rule R7

Substitute

1.6 Sun angle building envelope - all large blocks, mid sized blocks approved after 5 July 2013, compact blocks approved after 5 July 2013 and integrated housing development parcels

<p>R7</p> <p>This rule applies to all of the following:</p> <p>a) <i>large blocks</i></p> <p>b) <i>mid sized blocks</i> approved under an <i>estate development plan</i> after 5 July 2013</p> <p>c) <i>compact blocks</i> approved under an <i>estate</i></p>	<p>C7</p> <p>Buildings achieve all of the following:</p> <p>a) consistency with the <i>desired character</i></p> <p>b) reasonable solar access to <i>dwelling</i>s on adjoining <i>residential blocks</i> and their associated <i>private open space</i></p>
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<p style="text-align: center;"><i>development plan</i> after 5 July 2013</p> <p>d) <i>integrated housing development parcels</i></p> <p>but does not apply to that part of the <i>building</i> on a <i>single dwelling block</i> that is required to be built to a boundary of the <i>block</i> by a precinct code applying to an <i>integrated housing development parcel</i> of which the <i>block</i> is a part.</p> <p><i>Buildings</i> are sited wholly within the <i>building envelope</i> formed by planes projected over the subject <i>block</i> at X° to the horizontal from the height of the solar fence on any <i>northern boundary</i> of an adjoining <i>residential block</i>.</p> <p>The height of the solar fence is:</p> <ol style="list-style-type: none"> i. in the <i>primary building zone</i> – 2.4m ii. all other parts of the boundary – 1.8m <p>This rule does not apply to any part of a <i>northern boundary</i> to an adjoining <i>residential block</i> that is used primarily to provide access to the main part of the <i>residential block</i> (ie a “battleaxe” handle). The previous rule applies to this boundary.</p> <p>X° is the apparent sun angle at noon on the winter solstice. For the purposes of this rule values for X are given in table 1.</p> <p>Refer to figure 1.</p>	<p>c) do not shadow the windows of <i>habitable rooms</i> (other than bedrooms) of any approved and constructed <i>dwelling</i> on an adjoining <i>residential block</i> at noon on the winter solstice</p> <p>d) do not overshadow the <i>principal private open space</i> of any approved and constructed <i>dwelling</i> on an adjoining <i>residential block</i> to a greater extent than a 2.4m fence on the boundary at noon on the winter solstice.</p>
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4. Element 1: Building and site controls

Substitute

1.7 Building envelope – mid sized blocks approved before 5 July 2013	
<p>R8</p> <p>This rule applies to <i>mid sized blocks</i> with one of the following characteristics:</p> <ol style="list-style-type: none"> i) approved under an <i>estate development plan</i> before 5 July 2013 ii) for which a <i>lease</i> was granted before 5 July 2013 <p><i>Buildings</i> are sited wholly within the <i>building envelope</i> formed by projecting planes over the subject <i>block</i> comprising:</p> <ol style="list-style-type: none"> a) within the <i>primary building zone</i> - <ol style="list-style-type: none"> i) lines projected at 45° to the horizontal from an infinite number of points on a 	<p>C8</p> <p>Buildings achieve all of the following:</p> <ol style="list-style-type: none"> a) consistency with the <i>desired character</i> b) reasonable levels of privacy for <i>dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential blocks</i> c) reasonable solar access to <i>dwellings</i> and their associated <i>private open space</i> on adjoining <i>residential blocks</i>.

<p>line of infinite length 4.5m above each side boundary, except for <i>north facing boundaries</i> of adjoining <i>residential blocks</i></p> <p>ii) from <i>north facing boundaries</i> of adjoining <i>residential blocks</i>, lines projected at 45° to the horizontal from an infinite number of points on a line of infinite length 2m above these boundaries.</p> <p>iii) despite item ii), where a wall is located on a <i>north facing boundary</i> of an adjoining residential block, lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 3m above these boundaries.</p> <p>b) within the <i>rear zone</i> -</p> <p>i) lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 3.5m above each side and rear boundary, except for <i>north facing boundaries</i> of adjoining <i>residential blocks</i></p> <p>ii) from <i>north facing boundaries</i> of adjoining <i>residential blocks</i>, lines projected at 30° to the horizontal from an infinite number of points on a line of infinite length 2m above these boundaries.</p> <p>Refer Figure 2.</p> <p>Note: <i>North facing boundary</i> means a boundary of a block where a line drawn perpendicular to the boundary outwards is orientated between north 20 degrees west and north 30 degrees east.</p>	
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3.3 Commercial zones development code

5. Part F – Residential uses; Element 19: Residential development; item 19.2 Multi unit housing; R60

Substitute

Rules	Criteria
19.2 Multi unit housing	
<p>R60</p> <p><i>Multi unit housing</i> or residential components of commercial mixed use complies with the Residential Zones – Multi Unit Housing Development Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

3.4 Community facility zone development code

6. GENERAL DEVELOPMENT CONTROLS; Element 1: Restrictions on use

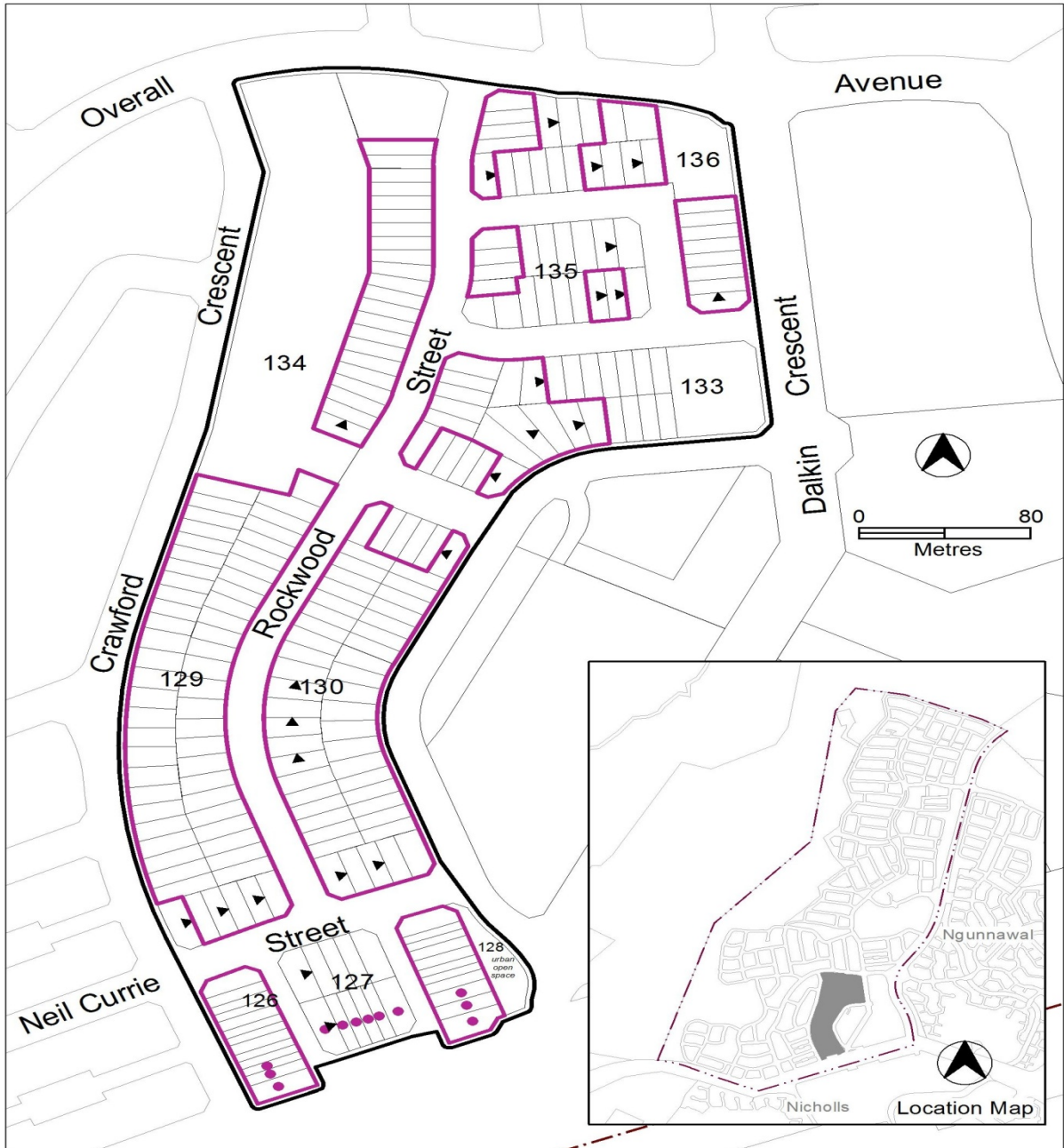
Substitute

Rules	Criteria
1.1 Supportive housing	
R1 Development for <i>supportive housing</i> complies with all of the following: a) the occupation of individual dwellings in a <i>supportive housing</i> complex is restricted by the lease to persons in need of support b) the site has not been identified in a suburb precinct code as being prohibited for <i>supportive housing</i> c) all dwellings comply with Class 'C' of <i>Australian Standard AS4299 – Adaptable Housing</i> d) subdivision of a lease developed for <i>supportive housing</i> , including subdivision under the Unit Titles Act 2001, is not permitted.	This is a mandatory requirement. There is no applicable criterion.



3.5 Casey precinct map and code


7. Other ongoing provisions; OP 4 – Casey residential area 4

Substitute



The following provisions reside in Territory Plan 3.2 Single Dwelling Housing Development Code

 Block Boundary
 Side setback-boundary2

 Blocks potentially affected by noise from external sources

 Limited development potential blocks

Note: Options for development in accordance with the Single Dwelling Housing Code particularly development at the upper floor level may be more limited on these blocks compared to similar sized complying blocks

Figure 6 Casey residential area 4
3.6 Gungahlin precinct map and code

8. Area specific controls; Precinct 1a – Retail Core; Element 9: Buildings; Item 9.1 Building envelope, Rule R25

Substitute

Rules	Criteria
<p>R25</p> <p>Rooftop building elements, including lift overruns and plant and equipment are contained within the building envelope controls shown in figure 15.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

9. Area specific controls; Precinct 1a – Retail Core; Element 9: Buildings

Delete

Figure 14 Building envelope in Precinct 1a (north side of Hibberson Street)

10. Area specific controls; Precinct 1a – Retail Core; Element 9: Buildings; Item 9.2 Protection of solar access for activities on south side of Hibberson Street; Rule R26

Substitute

Rules	Criteria
<p>R26</p> <p>For development on the northern side of Hibberson Street, development is to maintain a minimum of 3 hours solar access to the southern verge of Hibberson Street, particularly between 12 noon and 2 pm on the winter solstice (21 June).</p>	<p>C26</p> <p>Buildings on the northern side of Hibberson Street are limited in height to ensure development on the southern side of Hibberson Street remains substantially sunlit, particularly between 12 noon and 2 pm on the winter solstice (21 June).</p>

11. Area specific controls; Precinct 1a – Retail Core; Element 9: Buildings

Delete

Figure 16 Building envelope in Precinct 1a (south side of Hibberson Street)

12. Area specific controls; Precinct 1a – Retail Core; Element 10: Built form; Item 10.2 Awnings; Rule R30

Substitute

Rules	Criteria
<p>R30</p> <p>Buildings must incorporate awnings that comply with all of the following:</p> <ul style="list-style-type: none">a) cantilevered awnings for the full extent of the building frontage identified as <i>mandatory active frontage</i> in figure 11 and a minimum of 50% of the building frontage identified as main pedestrian areas and routes shown in figure 13b) awnings are to be a minimum height of 3m in cantilever widthc) awnings are to be a minimum height of 3m above finished pavement or ground level of the verged) awnings are to be integrated into the building design at the first floor level	<p>This is a mandatory requirement. There is no applicable criterion.</p>

13. Area specific controls; Precinct 2a – Office Core; Element 15: Buildings; Item 15.1 Building envelope and setbacks; Rule R41

Substitute

Rules	Criteria
<p>R41</p> <p>Minimum 6m setback to The Valley Avenue, Kate Crace Street, Ernest Cavanagh Street, Manning Clarke Crescent and Hibberson Street frontages as illustrated in figures 18 and 19.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

14. Area specific controls; Precinct 4a – Southern transition; Element 25: Buildings; Item 25.1 Building envelope, Rule R54

Substitute

Rules	Criteria
25.1 Building envelope	
<p>R54</p> <p>All building elements, including lift overruns and roof top plant are contained within building envelope controls shown in figure 20.</p> <p>Note: Building envelopes shown in figure 20 are applied to whole Sections in Precinct 4a and 4b.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

15. Area specific controls; Precinct 4b – Northern transition, Element 27: Buildings; Item 27.1 Building envelope and setbacks; Rule R62

Substitute

Rules	Criteria
27.1 Building envelope and setbacks	
<p>R62</p> <p>All building elements, including lift overruns and roof top plant are contained within building envelope controls shown in figure 20.</p> <p>Note: Building envelopes shown in figure 20 are applied to whole Sections in Precinct 4a and 4b.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

16. Area specific controls; Precinct 4b – Northern transition, Element 28: Built form; Item 28.1 Building design; Rule R65

Substitute

Rules	Criteria
<p>R65</p> <p>Where the building frontage incorporates commercial uses at ground floor, buildings much incorporate awnings that comply with the following:</p> <ul style="list-style-type: none"> a) cantilevered awnings for the full extent of the building frontage along main pedestrian areas and routes identified in figure 13 b) awnings are to be a minimum of 3m in cantilever width c) awnings are to be a minimum height of 3m above finished pavement or ground level of the verge d) awnings are to be integrated into the building design at the first floor level 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

3.7 Coombs and Wright concept plan

17. Part C – Buildings and structures; Element 10: Residential density

Substitute

Rules	Criteria
<p>R50</p> <p>In CZ4 and CZ5 in precincts D, J, K and O, the minimum average residential density for these zones in each precinct is one dwelling for each 150m² of site area (rounded to the nearest whole number).</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

18. Part C – Buildings and structures; Element 12: Local centre/ mixed use node – CZ5/CZ4

Substitute

Element 12: Local centre/mixed use node – CZ5/CZ4	
Rules	Criteria
There is no applicable rule.	<p>C57</p> <p>Buildings in CZ4 are designed to have the ground floor level to be adaptable for commercial use.</p> <p>Note: This criterion does not apply to buildings fronting the northern part of Blackmore Street.</p>

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ENGLISH	If you need interpreting help, telephone:
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CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
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SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
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