Australian Capital Territory

**Planning and Development (Technical Amendment—Moncrieff) Plan Variation 2015 (No. 1)**

**Notifiable Instrument NI2015—148**

**Technical Amendment No 2015—02**

made under the

***Planning and Development Act 2007*, section 89 (Making technical amendments) s96 (land ceases to be in future urban area)**

This plan variation commences on the day after it is notified.

Variation No 2015—02 to the Territory Plan has been approved by the Planning and Land Authority.

**Variation to the Territory Plan**

The Territory Plan map is varied as indicated in **Annexure A** to identify the zones that apply to the land ceasing to be in a future urban area.

**Introduction of the Precinct Map and Code**

**Annexure B** proposes to introduce the Moncrieff Precinct Map and Code for ongoing block specific provisions for this area.

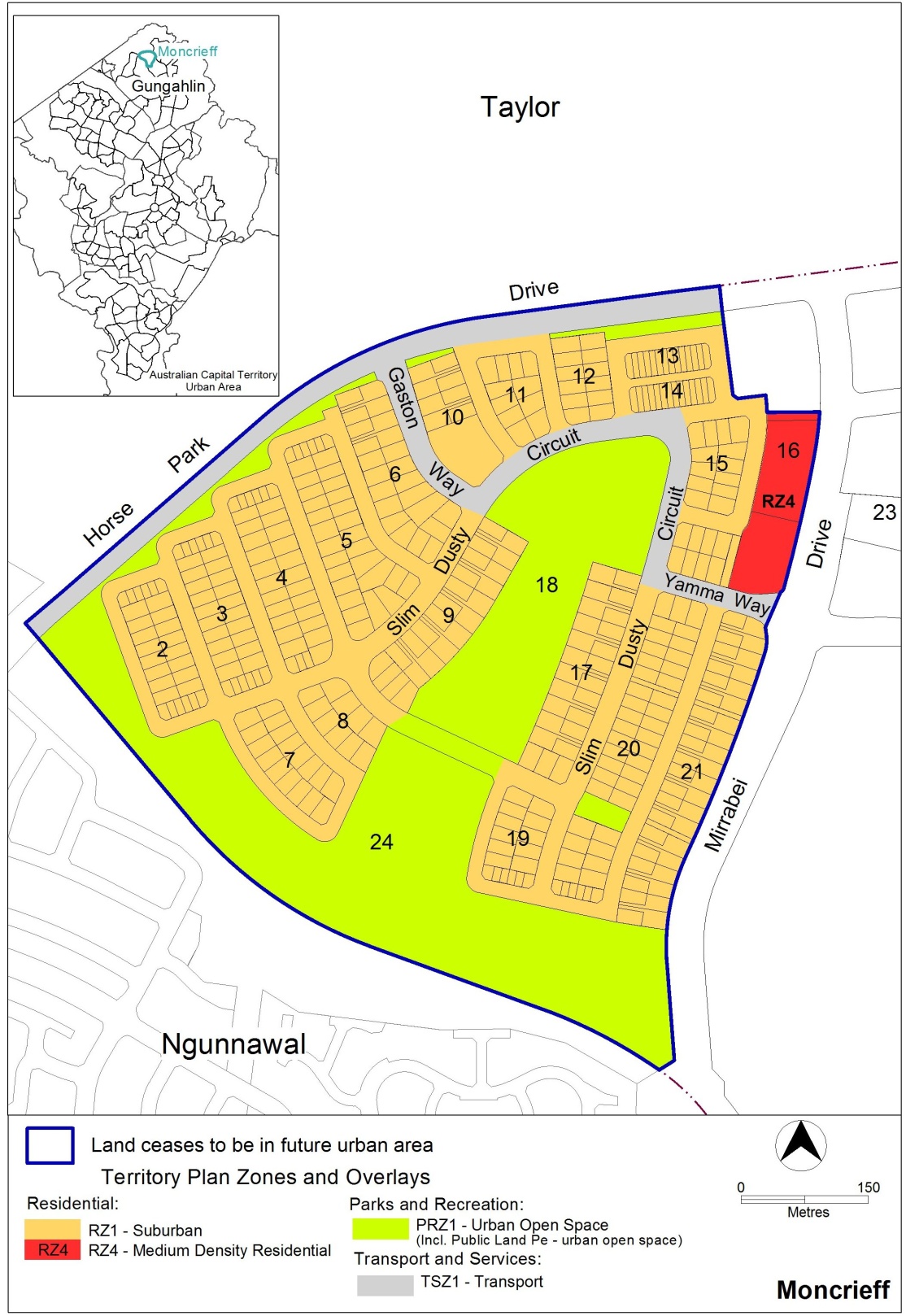
Jim Corrigan

Delegate of the Planning and Land Authority

Date **17.04.15**

**THIS IS PAGE ONE OF ANNEXURE A**

**TO NOTIFIABLE INSTRUMENT NI2015 – 148**

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Jim Corrigan

Delegate of the Planning and Land Authority

Date 17.04.15

**THIS IS ANNEXURE B**

**TO NOTIFIABLE INSTRUMENT NI2015 – 148**

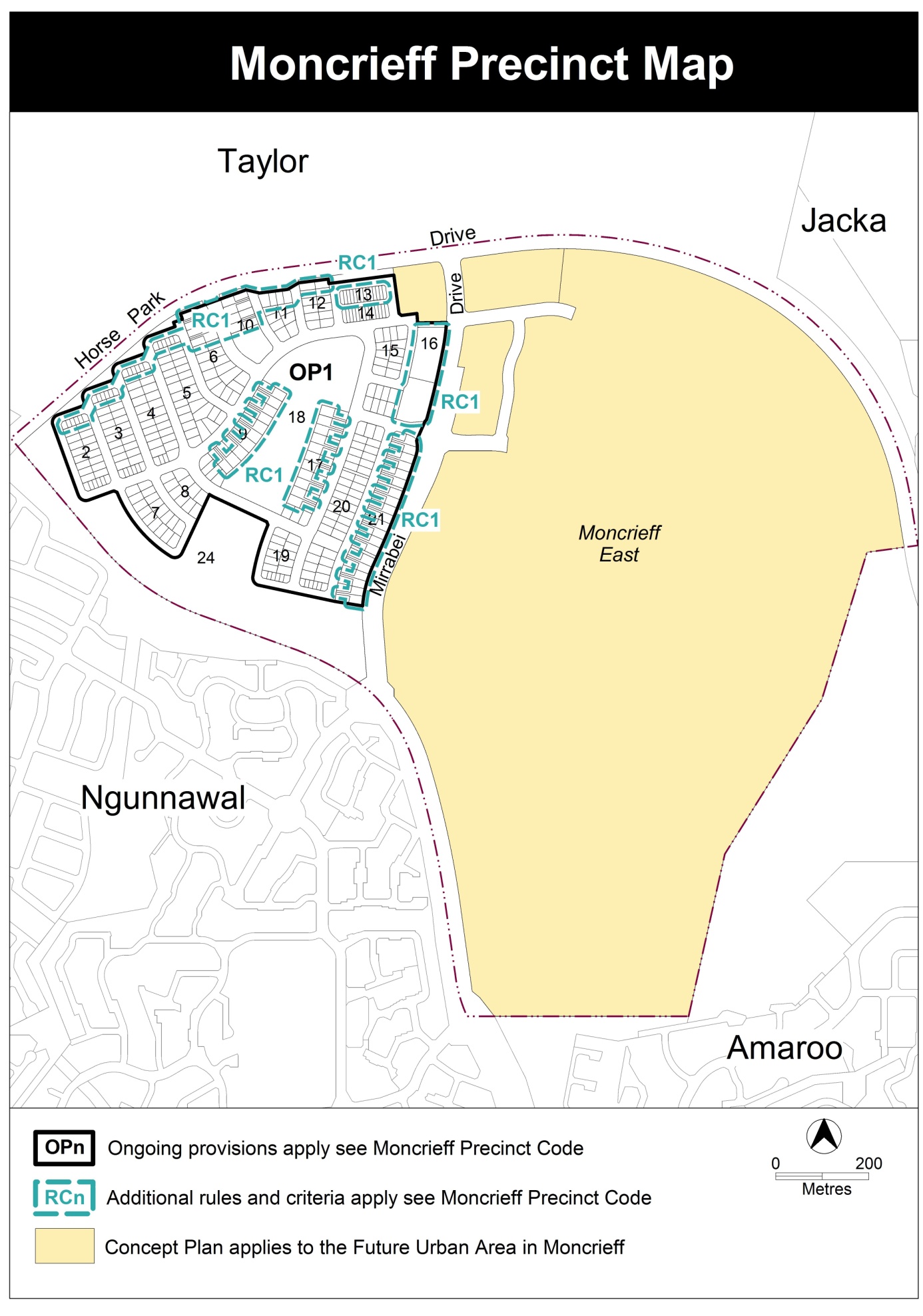
Jim Corrigan

Delegate of the Planning and Land Authority

Date 17.04.15

Moncrieff Precinct Map and Code

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**Assessment Tracks**

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Suburb Precinct Map (identified as PDn or MTn). Development that is exempt from requiring development approval, other prohibited development and the minimum assessment track applicable to each development proposal is set out in the relevant zone development table.

**Table 1 – Additional prohibited development**

|  |  |  |
| --- | --- | --- |
| **Additional prohibited development** | | |
| **Suburb precinct map label** | **Zone** | **Development** |
| PD1 | *community facility CFZ* | *retirement village*  *supportive housing* |

**Table 2 – Additional merit track development**

|  |  |  |
| --- | --- | --- |
| **Additional merit track development that may be approved subject to assessment** | | |
| **Suburb precinct map label** | **Zone** | **Development** |
| MT1 | *commercial CZ1 core* | *industrial trades*  *municipal depot*  *store* |
| MT2 | *commercial CZ2 business* | *funeral parlour*  *light industry*  *service station*  *veterinary hospital* |

No additional provisions apply.**Moncrieff Precinct Code**

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|  |
| --- |
| Introduction |

Name

The name of this code is the **Moncrieff Precinct Code**.

Application

The code applies to the Division of Moncrieff.

Purpose

This code provides additional planning, design and environmental controls for specific areas or blocks and may also contain references to provisions in other codes.

In conjunction with other relevant codes it will be used by the *Authority* to assess development applications and offer guidance to intending applicants in designing developmentproposals and preparing development applications*.*

Structure

This code contains additional rules and/or criteria for particular blocks or parcels identified as areas RCn on the precinct map, to be read in conjunction with the relevant development code. It may also contain sub-parts.

Each element has one or more rules and, unless the respective rule is mandatory, each rule has an associated criterion. Rules provide quantitative, or definitive, controls. By contrast, criteria are chiefly qualitative in nature.

In some instances rules are mandatory. Such rules are accompanied by the words “This is a mandatory requirement. There is no applicable criterion.” Non-compliance with a mandatory rule will result in the refusal of the development application. Conversely, the words “There is no applicable rule” is found where a criterion only is applicable.

Code hierarchy

Under the *Planning and Development Act 2007*, where more than one type of code applies to a development, the order of precedence if there is inconsistency of provisions between codes is: precinct code, development code and general code.

If more than one precinct code applies to the site, the most recent precinct code takes precedence to the extent of any inconsistency.

Definitions

Defined terms, references to legislation and other documents are italicised.

Definitions of terms used in this code are listed in part 13 of the Territory Plan or, for terms applicable only to this code, associated with the respective rule.

Acronyms

EPA ACT Environment Protection Authority

ESA ACT Emergency Services Agency

ESDD ACT Environment and Sustainable Development Directorate

NCA National Capital Authority

P&D Act Planning and Development Act 2007

TAMS ACT Territory and Municipal Services Directorate

Additional rules and criteria

This part applies to blocks and parcels identified in the Moncrieff Precinct Map (RCn). It should be read in conjunction with the relevant zone development code and related codes.

RC1 – Residential

This part applies to blocks and parcels identified in area RC1 shown on the Moncrieff Precinct Map.

1. Building and site controls

| Rules | Criteria |
| --- | --- |
| * 1. Setbacks | |
| R1   * 1. This rule applies to blocks identified in Figure 1.   2. Additional zero boundary setback to permit garage construction. | This is a mandatory requirement. There is no applicable criterion. |
| R2   * 1. This rule applies to blocks or parcels in locations identified in Figure 3.   2. Transparent type fencing to be provided on boundary to open space in accordance with Residential Boundary Fences General Code – part 2.5Battle Axe Blocks and Blocks with frontages to OpenSpace. | This is a mandatory requirement. There is no applicable criterion. |
| R3   * 1. This rule applies to blocks or parcels in locations identified in Figures 2 and 3.   2. Access is not permitted to Mirrabei Drive from adjacent blocks. | This is a mandatory requirement. There is no applicable criterion. |

1. Amenity

| Rules | Criteria |
| --- | --- |
| * 1. Acoustic mitigation measures | |
| R4   * 1. This rule applies to blocks or parcels in locations identified in Figures 1 and 2.   2. Acoustic insulation to be provided to the upper floor level of the dwelling in accordance with AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*. | This is a mandatory requirement. There is no applicable criterion. |
| R5  This rule applies to blocks or parcels in locations identified in Figure 3.  Acoustic insulation to be provided to all floors of the dwelling in accordance with AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*. | This is a mandatory requirement. There is no applicable criterion. |
| R6  This rule applies to blocks or parcels in locations identified in Figure 2.  Multi unit site along Horse Park Drive and Mirrabei Drive to be assessed for acoustic requirements on an individual basis. | This is a mandatory requirement. There is no applicable criterion. |
| R7  This rule applies to blocks or parcels in locations identified in Figures 1 and 2.  Acoustic privacy fencing to be provided by the lessee.  See Diagram 1 for an elevation of a typical acoustic privacy fence | This is a mandatory requirement. There is no applicable criterion. |

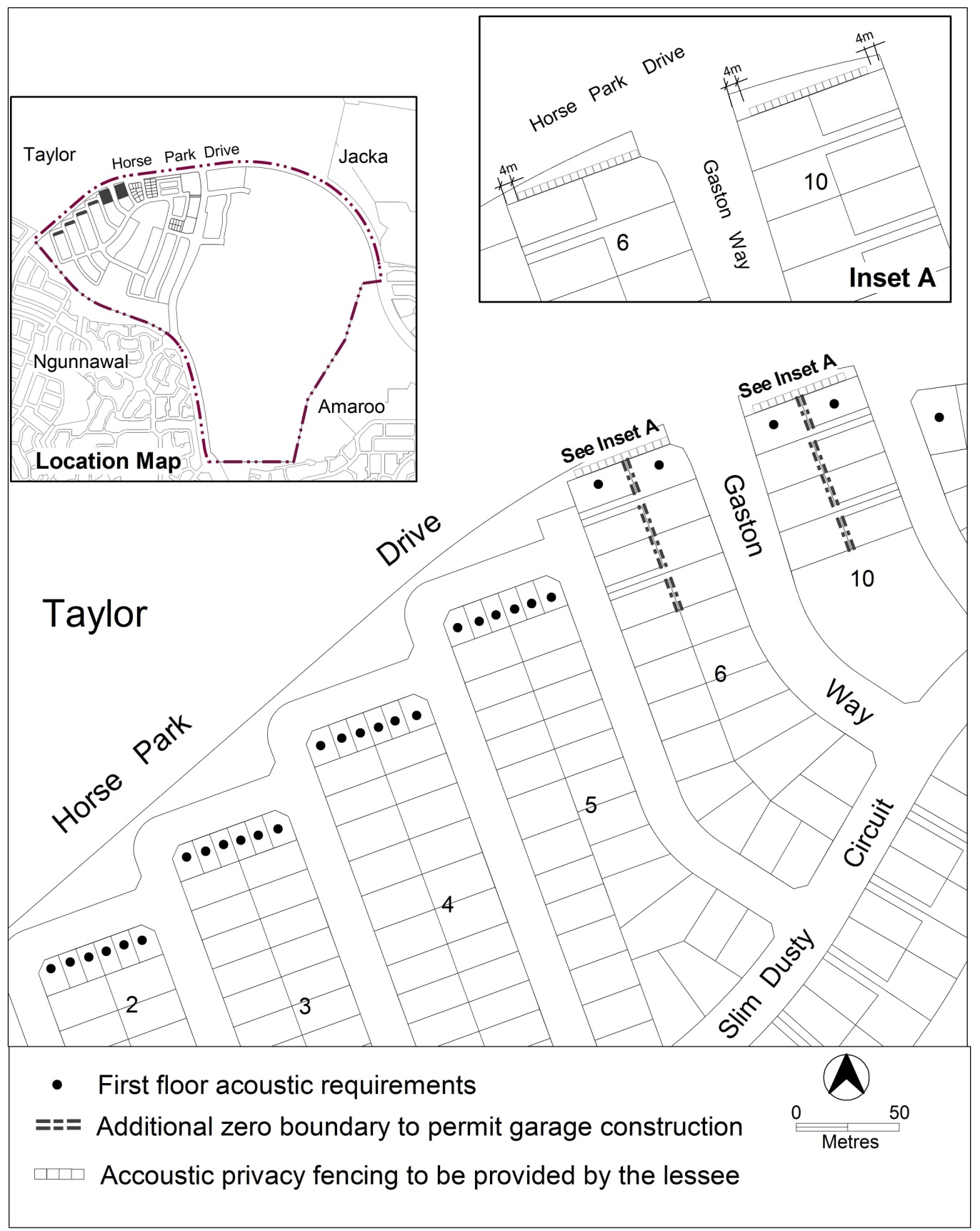


Figure 1 Moncrieff residential area 1

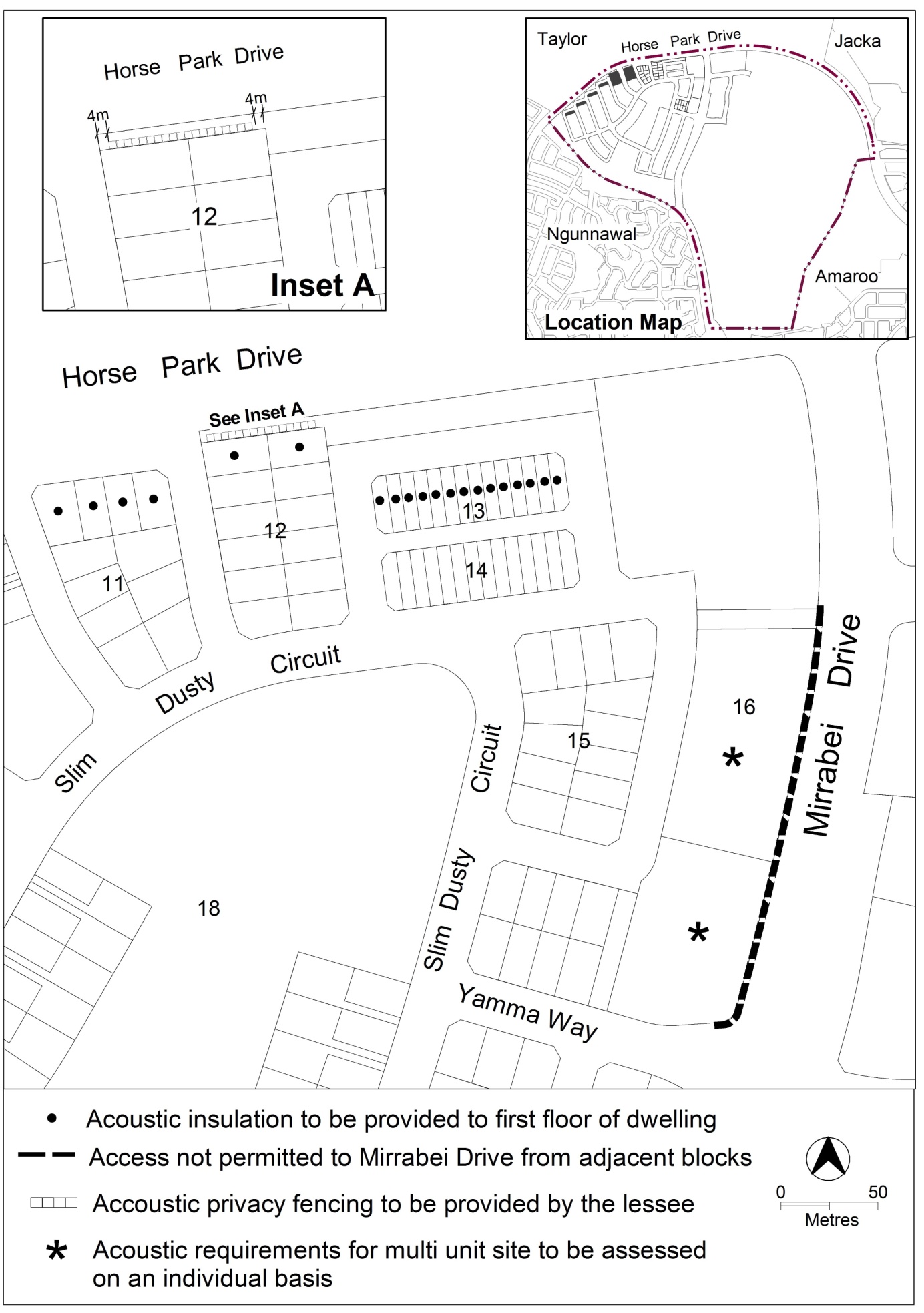


Figure 2 Moncrieff residential area 2

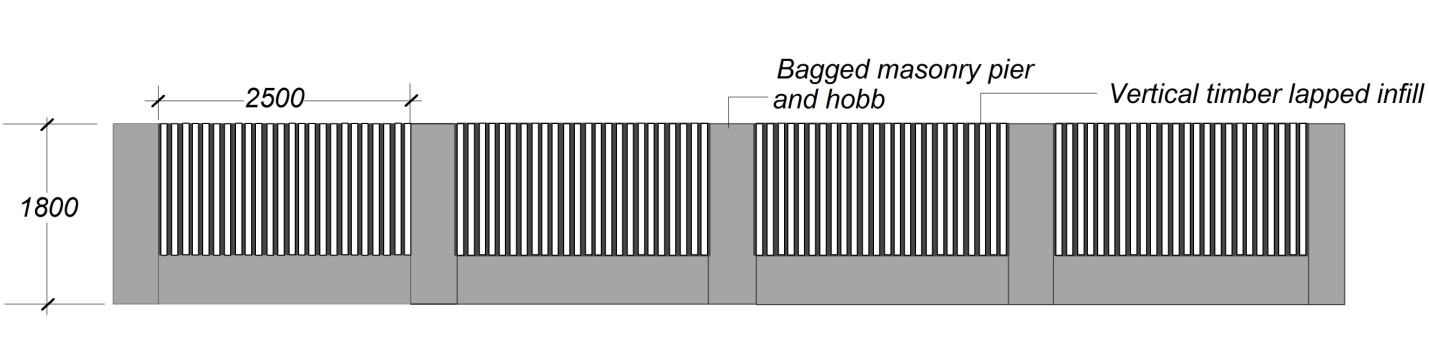
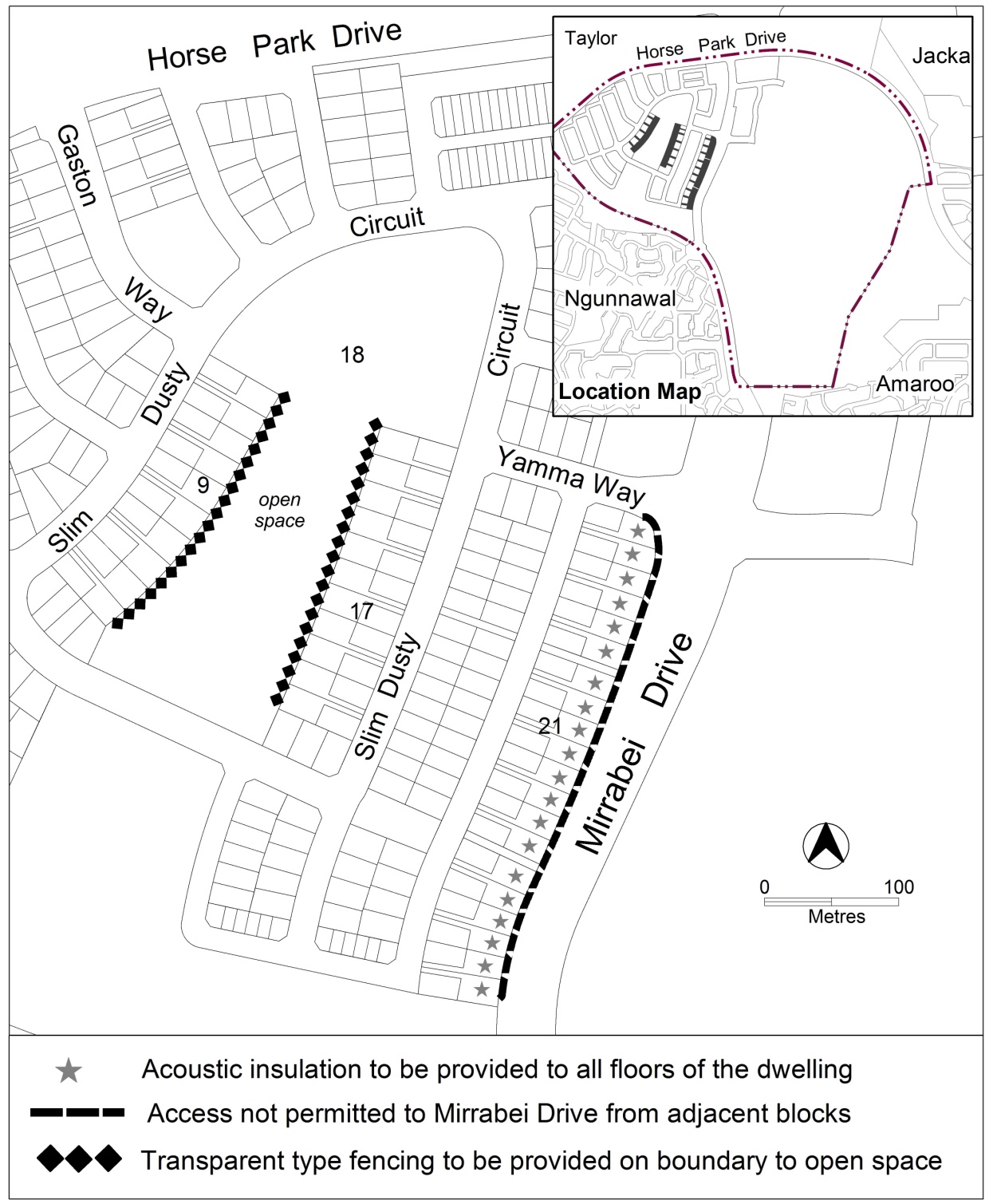


Diagram 1 Elevation of acoustic privacy fence

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**Figure 3 Moncrieff residential area 3**

Other ongoing provisions

This part applies to blocks and parcels identified as ongoing provisions (OPn) in the Moncrieff Precinct Map. It should be read in conjunction with the relevant zone development code and related codes.

OP1 – Moncrieff residential area

This part applies to blocks and parcels identified in area OP1 shown on the Moncrieff Precinct Map.

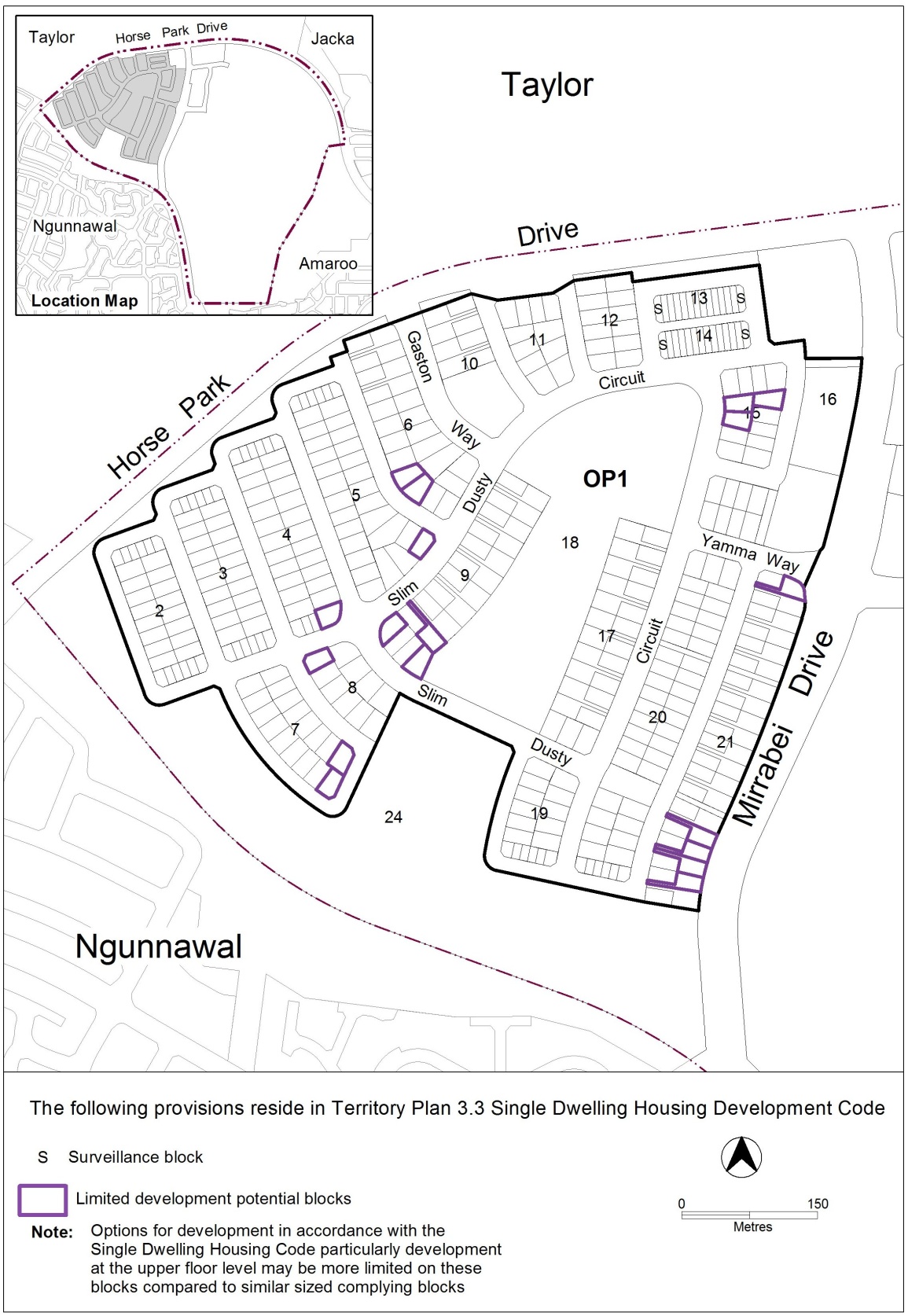


Figure 4 Moncrieff residential area ongoing provisions