Planning and Development (Technical Amendment—Various) Plan Variation 2016 (No 1)

Notifiable Instrument NI2016—391

Technical Amendment No 2016-04

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment–Various) Plan Variation 2016 (No 1)*.

2 Technical amendment

I am satisfied under section 89(1)(a) of the *Planning and Development Act 2007* (the **Act**) that the Various plan variation is a technical amendment to the Territory Plan.

3 Commencement

This technical amendment commences on the day after it is notified.

4 Meaning of Various plan variation

For this instrument:

Various plan variation means the technical amendment to the Territory plan variation 2016-04 in the schedule.

Brett Phillips Delegate of the planning and land authority 26 July 2016



Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2016-04

Various minor miscellaneous, code and clarification amendments

July 2016

Commencement version



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1. INTRODUCTION

1.1 Purpose

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

All residential zones development tables – Minimum Assessment Track Impact

- Rectify Clause 1 to include reference to section 132 of the Planning and Development Act 2007 (the Act), not section 134 which refers to exempt development
- Include reference to section 137 of the Act (included in all other zone development tables but not mentioned in the residential zones development tables
- Refer to section 123 of the Act only as covers both section 124 and 125.

All Commercial, Industrial, Community Facility, Transport and Services and Non-Urban Zones Development Tables – Minimum Assessment Track Merit

Rectify spelling error: "indentified" should read "identified"

Commercial, Industrial, Community Facility, Parks and Recreation, Transport and Services, Non-Urban Zones Development Tables – Minimum Assessment track Impact

- Include reference to section 132 of the Act as per residential zone tables
- Rectify grammar in Clause 1 to avoid confusion (include comma after 'exempt')

Residential zones development code

 Clarify rule R38A regarding surrendered residential blocks in RZ1 that subdivision under the *Unit Titles Act 2001* can only occur once the proposed dual occupancy dwellings are lawfully constructed.

Commercial zones development code

Rectify omission of Casey from Group Centres table in Part C of the code.

City precinct map and code

Rectify duplication of Criteria C13 and C14 by deleting C14

Amaroo precinct map and code

- Revise plot ratio provisions for selected blocks under Element 1: Building and Site Controls by introducing criteria for rules R3 and R4
- Revise planting zone provisions for selected blocks under Element 2: Environment by revising R10 to reduce planting zone width and redefining the planting zone as a screen planting zone.

Coree precinct map and code

• Remove duplicate criterion (C7) from the code

Macquarie precinct map and code

 Rectify error in translation from Group Centres development code (2012) to Macquarie precinct map and code for criterion C5

Narrabundah precinct map and code

 Amend the precinct code to rectify a translation error from the former Territory Plan to the new Territory Plan in relation to the description of the RC1 area

Definitions

Remove inadvertent text included in definition of 'Residential block'

Amendment to public land overlay provisions - Block 473 Majura

 Change public land overlay from Pc - nature reserve to Pd - special purpose reserve to correct a previous Territory Plan Map error and bring in line with Canberra Nature Park Plan of Management 1999

Amendment to the Public Land Pa (a wilderness area) overlay and Pb (a national park) overlay for part of the Bimberi Wilderness in the Namadgi National Park

 Remove a small section of Bimberi Wilderness from Pa (a wilderness area) and add to Pb (a national park)

Adjustment to zoning – Phillip Oval and bus layover facility, Phillip

 Adjustment of PRZ2 and TSZ1 zoning and public land overlay for Block 20 Section 23 Phillip (Bus layover) and Block 13 Section 23 Phillip (Oval)

1.2 Public consultation

Under section 87 of the *Planning and Development Act 2007* (the Act) this type of technical amendment requires limited public consultation. The public was notified through an online public 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 Planning 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 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.

No changes were made to the technical amendment following public consultation. However a few additional items were included to the technical amendment that involved the correction of errors under section 87(1) (a) and adjustment of overlays under section 87(1) (b) of the Act. These amendments related to the Macquarie precinct map and code, Narrabundah precinct map and code, and the Coree district precinct map and code, for the error changes. The overlay changes related to the Bimberi Wilderness area in the Namadgi National Park where a small part of the Bimberi Wilderness was removed from Public Land Pa (a wilderness area) and added to Pb (a national park). The adjustment to the zonings and public land overlay related to refining the zone and overlay boundaries of the Phillip Oval and Bus Layover Facility in Phillip. These matters did not require public consultation.

1.5 Types of technical amendments under the Act

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

- (1) Each of the following territory plan variations is a **technical amendment** for which no consultation is needed before it is made under section 89:
 - (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;
 - (b) a variation to change the boundary of a zone or overlay under section 90A (Rezoning boundary changes);
 - (c) a variation, other than one to which subsection (2) (d) applies, in relation to an estate development plan under section 96 (Effect of approval of estate development plan);
 - (d) a variation required to bring the territory plan into line with the national capital plan;
 - (e) a variation to omit something that is obsolete or redundant in the territory plan.
- (2) Each of the following territory plan variations is a **technical amendment** for which only limited public consultation is needed under section 90:
 - (a) 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;
 - (b) a variation to change the boundary of a zone under section 90B (Rezoning development encroaching on adjoining territory land);
 - (c) a variation in relation to a future urban area under section 90C (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) if it incorporates an ongoing provision that was not included in the plan under section 94 (3) (g);
 - (e) a variation to clarify the language in the territory plan if it does not change the substance of the plan;
 - (f) 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.

TA2016-04 has been prepared in accordance with sections 87(1) (a), (1) (b), (2) (a) and (2) (e) of the Act.

2. EXPLANATION

This part of the technical amendment document explains the changes 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 tables - impact track

Clause 1 in all the residential zones development tables for Minimum Assessment Track Impact refers to "Development that is not an exempt, code track or merit track development (see section 134 of the Act)."

However, section 134 "Exempt development—authorised use" is not relevant to whether a development is assessed in the impact track.

It appears that this clause is intended to refer to section 132 'Impact track applicable to development proposals not otherwise provided for'.

Also in relation to Clause 1 of the zone development tables for the impact track, section 137 "Applications for development approval in relation to use for otherwise prohibited development" is mentioned in all other zone development tables but is not mentioned in the residential zones development tables even though it is relevant to whether a development is assessed in the impact track.

Clause 4 refers to "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."

This clause appears to refer to section 123 "Impact track applicability" which states that the impact track applies if section 124 (Minister may declare impact track applicable) and/or section 125 (Minister responsible for the Public Health Act 1997 declares impact track applicable) apply. Section 125 is not mentioned, even though it is relevant.

For clause 1:

- change the reference to section 132 instead of section 134
- add the reference to section 137 to all the residential zones development tables for the impact track.

For clause 4:

 refer to section 124 and section 125 directly to bring in line with other zone development tables for impact track assessments.

The changes apply to all residential zones development tables (RZ1, RZ2, RZ3, RZ4 and RZ5).

Existing provision (see underlined text)

Residential Zones Development Tables

MINIMUM ASSESSMENT TRACK IMPACT

Development application required and assessed in the impact track

- 1. Development that is not an exempt, code track or merit track development (see <u>section 134</u> 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 <u>section 123 or section 124</u> 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.

Proposed provision (see underlined changes to clauses 1 and 4)

Residential Zones Development Tables

MINIMUM ASSESSMENT TRACK IMPACT

Development application required and assessed in the impact track

- 1. Development that is not:
 - a. Exempt, code track or merit track development (see section 132 of the Planning and Development Act 2007); or
 - b. <u>Prohibited development, other than development that is permitted under s137 of the Planning</u> 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 <u>section 124 or section 125</u> 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.

Section	Statement
S87(2)(e) a variation to clarify the language	The residential zones development tables for
in the territory plan if it does not change the	impact track are revised to ensure improved
substance of the plan.	interpretation and understanding of the
	requirements for impact track development
	applications.

2.2 Commercial, Industrial, Community Facility, Transport and Services, Non-Urban Zones Development Tables – merit track

For all zone development tables in the Commercial, Industrial, Community Facility, Transport and Services and Non-urban Zones development tables, in the Minimum Assessment Track Merit, there is a spelling error. It is contained in the text which reads: "development in a location and of a type <u>indentified</u> in a precinct map as additional merit track development".

This technical amendment rectifies this error by replacing "indentified" with "identified"

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

Section	Statement
s87(1)(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	Compliant. This technical amendment has been prepared to correct a spelling error in the merit track.

2.3 Commercial, Industrial, Community Facility, Parks and Recreation, Transport and Services, Non-Urban Zones Development Tables – impact track

This amendment is for all zones within the above zone development tables pertaining to Minimum Assessment Track Impact.

Clause 1 refers to "Development that is not: Exempt code track or merit track development". This sentence may cause confusion as it could be read as if "Exempt code track" was an assessment track. In the residential zones development tables, a comma is used to separate the words "Exempt" and "code" to prevent this.

A comma is inserted into Clause 1 so the meaning is clearer, ie "Development that is not: Exempt, code track or merit track development"

There is also no reference to section 132 of the Act: 'Impact track applicable to development proposals not otherwise provided for'. This is included in the tables in line with the changes to clause 1 in the residential zones development tables.

Commercial, Industrial, Community Facility, Parks and Recreation, Transport and Services, Non-Urban Zones Development Tables

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.

Proposed provisions (see underlined)

Commercial, Industrial, Community Facility, Parks and Recreation, Transport and Services, Non-Urban Zones Development Tables

MINIMUM ASSESSMENT TRACK IMPACT

Development listed below requires a development application and is assessed in the impact track

- Development that is not:
 - a. Exempt, code track or merit track development (see section 132 of the Planning and Development Act 2007); 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.

Section	Statement
S87(2)(e) a variation to clarify the language	The residential zones development tables for
in the territory plan if it does not change the	impact track are revised to ensure improved
substance of the plan.	interpretation and understanding of the
	requirements for impact track development
	applications.

2.4 Residential zones development code

Rule 38A of the residential zones development code does not specifically state that both dwellings in a dual occupancy need to be lawfully constructed before they can be unit titled. The Unit Titles Act requires a 'certificate to occupy' before dwelling units (including dual occupancy housing) can be unit titled. This means that the dwelling units will need to be 'lawfully constructed' prior to unit titling regardless of the wording in the Territory Plan provisions. However, to remove any doubt, R38A is clarified regarding this requirement and brought in line with other provisions in the residential zones development code which state that both dwellings need to be 'lawfully constructed' prior to subdivision occurring. It is also clarified that subdivision is only permitted under the *Unit Titles Act 2001* and not under the *Planning and Development Act 2007*.

Existing provision

R	3	ጸ	Δ
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This rule applies to *surrendered residential blocks* in RZ1.

Subdivision under the *Unit Titles Act 2001* is permitted only for *dual occupancy* development.

This is a mandatory requirement. There is no applicable criterion.

Proposed provision

R38A

This rule applies to *surrendered residential blocks* in RZ1.

Subdivision under the Planning and Development Act 2007 is not permitted.

Subdivision under the *Unit Titles Act 2001* is permitted where all of the following are met:

- a) It is only for dual occupancy housing
- b) Both *dwellings* in the *dual occupancy* have been lawfully constructed.

Note: Staged development under the *Unit Titles Act 2001* is not permitted.

This is a mandatory requirement. There is no applicable criterion.

Section	Statement
s87(2)(a) a variation (a code variation) that -	This amendment strengthens the
(i) would only change a code	requirements of the provision (Rule R38A)
(ii) is consistent with the policy purpose	to remove any doubt regarding dwellings
and policy framework of the code;	needing to be lawfully constructed prior to
and	subdivision under the <i>Unit Titles Act 2001</i> ,
(iii) is not an error variation.	and that no subdivision is permitted under
	the Planning and Development Act 2008.

2.5 Commercial zones development code

In Part C – Additional controls for group centres, Casey Group Centre has been included in the table of Group Centres. Casey group centre had not been gazetted or developed as a group centre when the table was originally prepared and included in the commercial zones development code. This technical amendment adds Casey to the list of Group Centres and the Casey precinct map and code under the 'Relevant code' heading.

Statement of compliance with the Planning and Development Act 2007

Section		Statement
s87(2) - (i)	(a) a variation (a code variation) that would only change a code	Compliant. This technical amendment has been prepared to include the Casey Group Centre in the Commercial Zones
(ii)	is consistent with the policy purpose and policy framework of the code; and	Development Code.
(iii)	is not an error variation.	

2.6 City precinct map and code

The correction is made to the inadvertent duplication of Criteria C13 and C14 by deleting C14 being deleted from the precinct code.

Section	Statement
s87(1)(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	Compliant. This technical amendment has been prepared to correct a duplication error in the City precinct map and code.

2.7 Amaroo Precinct Map and Code

2.7.1 Introduction of criteria for rules R3 and R4

Rule 3 of the Amaroo Precinct Map and Code stipulates a maximum plot ratio of 2:1 (200%) for the area marked as A in Figure 1.

Rule 4 of the Amaroo Precinct Map and Code stipulates a maximum plot ratio of 1.5:1 (150%) for the area marked as B in Figure 1 (with the exception of any areas in the Community Facility Zone).

The land subject to rules R3 and R4 of the code is zoned commercial CZ1 Core Zone and CZ2 Business Zone respectively. In the absence of rules R3 and R4 in the Amaroo Precinct Map and Code the plot ratio provisions of the Commercial Zones Development Code would ordinarily apply.

The Commercial Zones Development Code has a 1:1 (100%) maximum plot ratio in rule R46, but allows for higher plot ratios through criterion C46. C46 of the Commercial Zones Development Code permits a higher plot ratio on the condition that buildings comply with all of the following:

- a) are compatible with the desired character
- b) are appropriate to the scale and function of the use
- c) minimise detrimental impacts, including overshadowing and excessive scale.

The plot ratio provisions in the Amaroo Precinct Map and Code were introduced to provide certainty that plot ratios above 100% would be permitted. The higher plot ratios were also intended to compliment the additional storeys that are permitted in the Amaroo Precinct Map and Code (3 storeys in Area B and 4 storeys in Area A of the Amaroo group centre, instead of the maximum of 2 storeys permitted for group centres in the Commercial Zones Development Code). However, it wasn't intended to remove the flexibility provided by C46 in the Commercial Zones Development Code. This is evident in the maximum plot ratio of 200% and 150% respectively creating an unintended upper limit on the plot ratios in this location. For this reason, it is proposed to include the same provisions from criterion C46 in the Commercial Zones Development Code as criteria corresponding to rules R3 and R4 in the Amaroo Precinct Map and Code.

This approach will maintain certainty that the stipulated 150% and 200% plot ratios are permissible while providing the flexibility to allow higher plot ratios where suitability can be adequately demonstrated through compliance with the criteria. This will ensure that the impacts of any potential increase in plot ratio are thoroughly considered in the development application process.

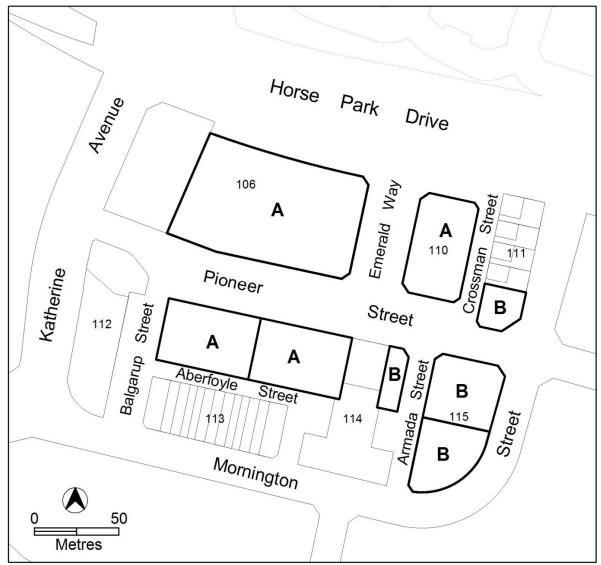


Figure 1 Amaroo Group Centre Building heights and plot ratios

Existing Provisions

1.2 Plot Ratios	
R3	
This rule applies to area A in Figure 1.	This is a mandatory requirement. There is no
The maximum plot ratio is 2:1 (200%).	applicable criterion.
R4	
This rule applies to area B in Figure 1.	This is a mandatory requirement. There is no
The maximum plot ratio is 1.5:1 (150%).	applicable criterion.
This rule does not apply to part section 114 Amaroo within the Community Facilities (CFZ) Zone.	

Proposed Provisions

1.2 Plot Ratios		
R3	C3	
This rule applies to area A in Figure 1.	Buildings comply with all of the following:	
The maximum plot ratio is 2:1 (200%).	 a) are compatible with the desired character b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale. 	
R4	C4	
This rule applies to area B in Figure 1.	Buildings comply with all of the following:	
The maximum plot ratio is 1.5:1 (150%).	a) are compatible with the desired character	
This rule does not apply to part section 114 Amaroo within the Community Facilities (CFZ) Zone.	b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale.	

Section		Statement
s87 (2)(a) a variation (a code variation)		Compliant. This amendment changes a
that –		code in a manner consistent with the
(i)	would only change a code	policy purpose of the code. The purpose
(ii)	is consistent with the policy	is to provide the flexibility permitted in
	purpose and policy framework of	other commercial areas while being
	the code; and	consistent with the scale of development
(iii)	is not an error variation.	intended on the site.

2.7.2 Revision of Description of Planting Zones in R10

Rule 10 of the Amaroo Precinct Map and Code relates to areas identified as deep root planting zones in Figure 2 and stipulates:

- That a minimum 4 metre wide planting zone is to be provided
- That a wall or fence is to be provided along the block side of the planting zone
- That the planting zone and wall are to screen service and waste activities from the street
- That the wall or fence is detailed to meet the requirements of the Crime Prevention Through Environmental Design General Code Requirements
- That a single commercial driveway crossing of the planting zone is permitted (for each affected block).

While this rule is intended to ensure a suitable level of screening to protect the streetscape, it uses the term 'deep root planting zone' and a 4 metre minimum width.

The term 'deep root planting zone' is used in other areas of the Territory Plan where large trees are expected to be established for other reasons. In locations where large trees are expected to be established no works are permitted below ground level (such as basement car parking).

The 4 metre minimum width is greater than what is necessary to establish suitable screen planting and may be detrimental to meeting the requirements of the Crime Prevention Through Environmental Design General Code due to increased potential for entrapment spaces to be created in a wide planting zone.

In order to provide clarity around the purpose of the rule, prevent confusion with other planting zones and to ensure the intent of the rule is met without unnecessarily restricting developments, the wording of the rule and width of the planting zone has been amended.

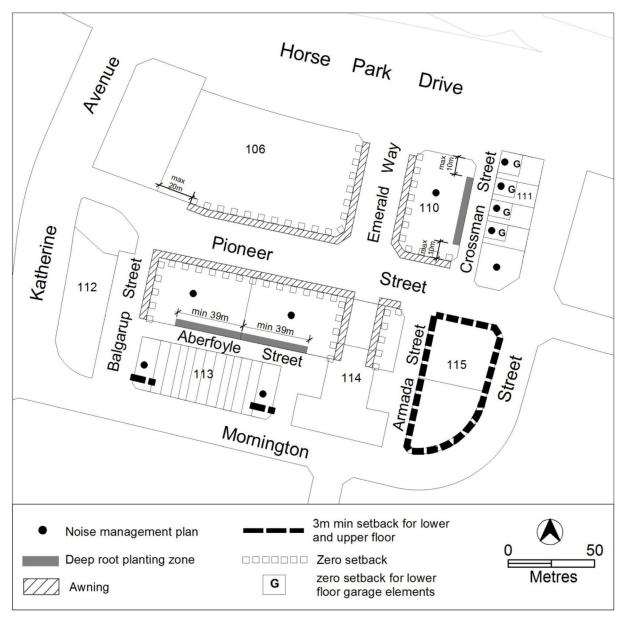


Figure 2 Setbacks and deep root planting zones

Existing Provisions

2.1 Deep root planting zones

R10

This rule applies to blocks or parcels in locations identified in Figure 2.

A minimum 4m deep root planting zone (DRPZ) is provided with a wall or fence located along the block side of the DRPZ to screen service and waste activities from the street. The wall or fence is to be detailed to meet the Crime Prevention Through Environmental Design General Code requirements.

A single commercial driveway crossing of the DRPZ is permitted.

This is a mandatory requirement. There is no applicable criterion.

Proposed Provisions

2.1 Screen planting zones

R10

This rule applies to blocks or parcels in locations identified in Figure 2.

A minimum 1.5m wide screen planting zone (SPZ) is provided for the required length depicted in Figure 2.

A wall or fence is located along the block side of the SPZ to screen service and waste activities from the street.

The wall or fence is to be detailed to meet the Crime Prevention Through Environmental Design General Code requirements.

A single commercial driveway crossing of the SPZ is permitted for each block.

This is a mandatory requirement. There is no applicable criterion.

Section		Statement
s87 (2)(a) a variation (a code variation)		Compliant. This amendment changes a
that -		code in a manner consistent with the
(i)	would only change a code	policy purpose of the code. The purpose
(ii)	is consistent with the policy	is to screen service and waste areas in a
	purpose and policy framework of	visually attractive manner in order to
	the code; and	provide an attractive streetscape in the
(iii)	is not an error variation.	immediate locality.

2.8 Macquarie precinct map and code

Prior to the relocation of provisions into precinct codes in December 2012, the provisions for the Jamison Group Centre in Macquarie were contained in the former Group Centres Development Code. This code accurately reproduced the wording from the former Territory Plan for the criterion relating to storeys. This read as follows: "b) Maximum building heights are whichever is the greater of 4 storeys or 15m above natural ground level". However, when the provisions were transferred into the specific precinct code for Macquarie in December 2012, there appears to have been an error in the translation. The wording in the criterion (C5 in the precinct code) was inadvertently changed to convey an unintended requirement that the maximum number of storeys is 4 and the maximum height of building is 15m.

This technical amendment has rectified this issue and adjusts the wording in line with the previous correct version and replaces the "and" with an "or".

Statement of compliance with the Planning and Development Act 2007

Section	Statement
s87(1)(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	Compliant. This technical amendment has been prepared to correct an error in the Macquarie precinct code. The wording of Criterion C5 has been amended accordingly.

2.9 Narrabundah precinct map and code

The former Territory Plan (pre- 2008) contained an Area Specific Policy (Area A3) for Residential/Community Sites which allowed for community use where 'existing school buildings may be used for offices of sporting, cultural, social or other ACT Government or non-profit community based organisations".

This was translated into the new Territory Plan on an area/zone specific basis and transferred into the suburb precinct codes in 2012 when these were introduced into the Territory Plan. At this stage, Block 45 Section 100 Narrabundah was identified on the Narrabundah Precinct Map as area 'RC1 – Former School Site', with the controls for offices similar to the wording in the former A3 Area Specific Policy.

However, upon recent investigation, it has been identified that the subject block was not a former school site, but a former nursing home. Although the relevant policies did and still do apply to the site, the assumption was made at the time of the translation into the new Territory Plan that the site was a former school site. This technical amendment amends this historical anomaly by renaming the RC1 area to "Former Nursing Home Site" and refers to 'former nursing home buildings' in the rule (R1).

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

Section	Statement
s87(1)(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	Compliant. This technical amendment has been prepared to correct an error in the Narrabundah precinct code where there is an error in the description of the RC1 area and related control.

2.10 Coree district precinct map and code

Criteria C6 and C7 are the same in the Coree district precinct map and code. This issue is rectified by removing C7 from the code via this technical amendment.

Statement of compliance with the Planning and Development Act 2007

Section	Statement
s87(1)(a) a variation (an error variation) that	Compliant. This technical amendment has been prepared to correct an error in the Coree precinct
(i) would not adversely affect anyone's rights if approved; and	code where there is a duplication of criteria. To rectify the issue, Criterion C7 has been removed.
(ii) has as its only object the correction of a formal error in the plan	

2.11 Definitions

Inadvertent text in the definition of 'Residential block' has been removed (see underlined text).

"Residential block means a *block* that has at least one of the following characteristics –

- a) zoned residential
- b) affected by a lease which authorises residential use

but does not include one or more of the following any land intended to remain as unleased Territory land or public open space."

Section	Statement
s87(1)(a) a variation (an error variation)	Compliant. This technical amendment has been
that	prepared to correct an error in the definition for
(i) would not adversely affect anyone's rights if approved; and	Residential block.
(ii) has as its only object the correction of a formal error in the plan	

2.12 Public land overlay amendment – Block 473 Majura

The planning and land authority received a request from the Conservator of Flora and Fauna recommending changes to the public land overlay provisions for Block 473 Majura.

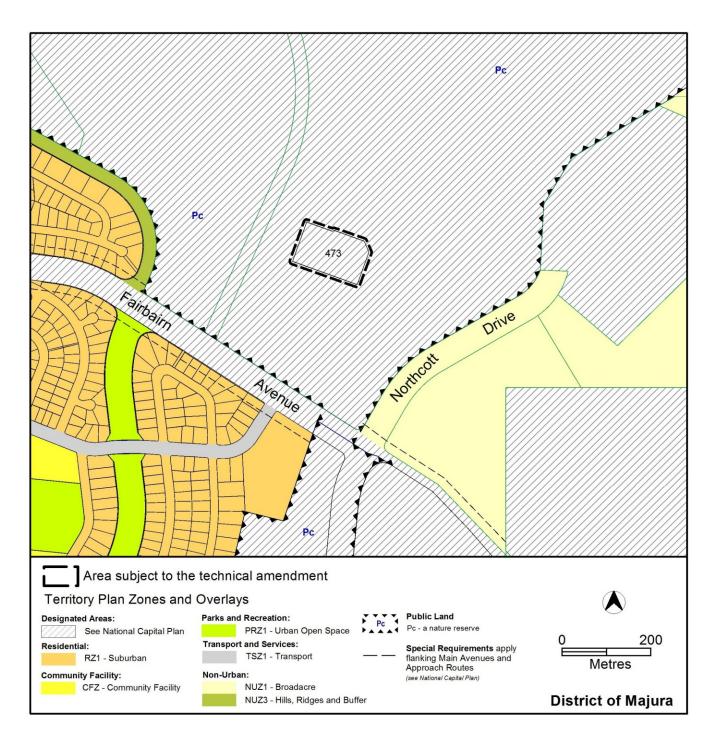
The subject site is located within the Canberra Nature Park's Mount Ainslie nature reserve. It has been developed and operated as a pistol and miniature rifle range since the mid 1950s and The Canberra Pistol and Miniature Rifle Club Inc have leased the site since 1981. The club has applied for a further crown lease for a period of 50 years. In accordance with sections 336 and 337 of the *Planning and Development Act 2007* the planning and land authority must not grant a lease of public land except on the written recommendation of the Conservator.

It has come to the Conservator's attention that there is an inconsistency with the current Territory Plan Map overlay and the Canberra Nature Park Plan of Management 1999. The Map shows the site as part of public land Pc Nature Reserve whereas the Plan of Management identifies the site as 'other facilities'.

The Conservator proposes that the current Pc - nature reserve overlay for Block 473 Majura is an error on the Territory Plan Map and recommends changing the overlay to Pd - special purpose reserve which has a management objective 'to provide for public and community use of the area for recreation and education'. The use of the block for pistol shooting would be consistent with the recreational objective.

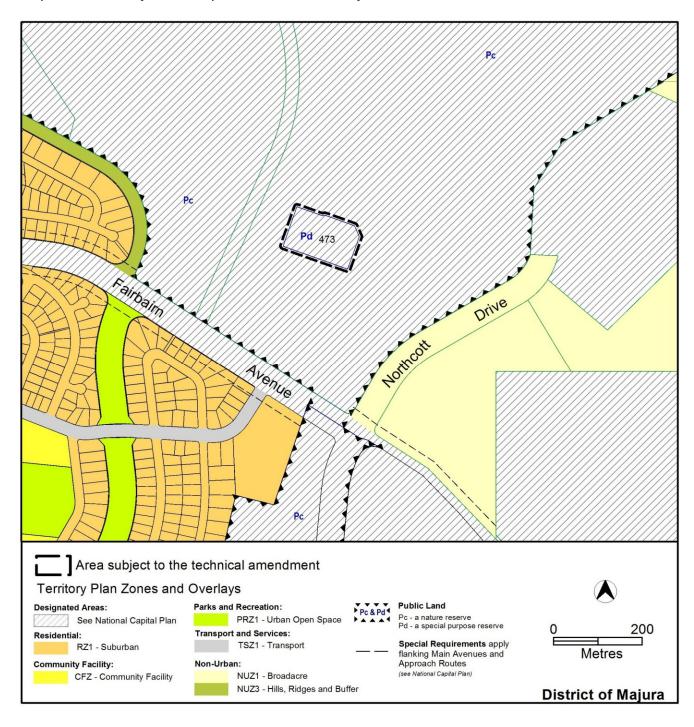
This would allow the new lease to be granted prior to the expiry of the existing lease at the end of 2016.

Section	Statement
s87(1)(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	Compliant. This technical amendment has been prepared to correct an error on the Territory Plan Map to bring in line with the Canberra Nature Park Plan of Management 1999.



Existing Territory Plan map Public Land overlay

Proposed Territory Plan map Public Land overlay



2.13 Public land overlay amendment - Bimberi Wilderness

In accordance with section 314 of the *Planning and Development Act 2007* (the Act) the planning and land authority has received a request from the Conservator of Flora and Fauna to vary the Territory Plan map to adjust the public land overlay over part of the Bimberi Wilderness area in the Namadgi National Park from Public Land Pa (a wilderness area) to Pb (a national park).

The enactment of the *Nature Conservation Act 2014* has required the preparation of activities declarations which are Notifiable Instruments that state what activities are prohibited within a reserve. The preparation of the activities declaration for Bimberi Wilderness has highlighted an issue in relation to cycling along the Cotter Hut Road and Smokers Trail.

Schedule 3 of the Act provides the following management objectives for a wilderness area:

- 1 to conserve the natural environment in a manner ensuring that disturbance to that environment is minimal:
- 2 to provide for the use of the area (other than by vehicles or other mechanised equipment) for recreation by limited numbers of people, so as to ensure that opportunities for solitude are provided.

The Namadgi National Park Plan of Management also specifically rules out cycling within the Bimberi Wilderness area in accordance with these management objectives.

Currently an informal policy allows cyclists to use a loop along Smokers Trail and the Cotter Hut Road which is inside the wilderness boundary.

The bike ride down Smokers Trail to the Orroral Space Tracking Station has become quite popular and is shown on maps as being available for this use. However, there has been growing concern about the numbers of bikes accessing the Wilderness area down the Mt Franklin Road from the Ginini gate. In order to be able to regulate this use it is important that the activities declaration reflects both the legal boundaries of the wilderness area and that the provisions are consistent with the Act and the Plan of Management.

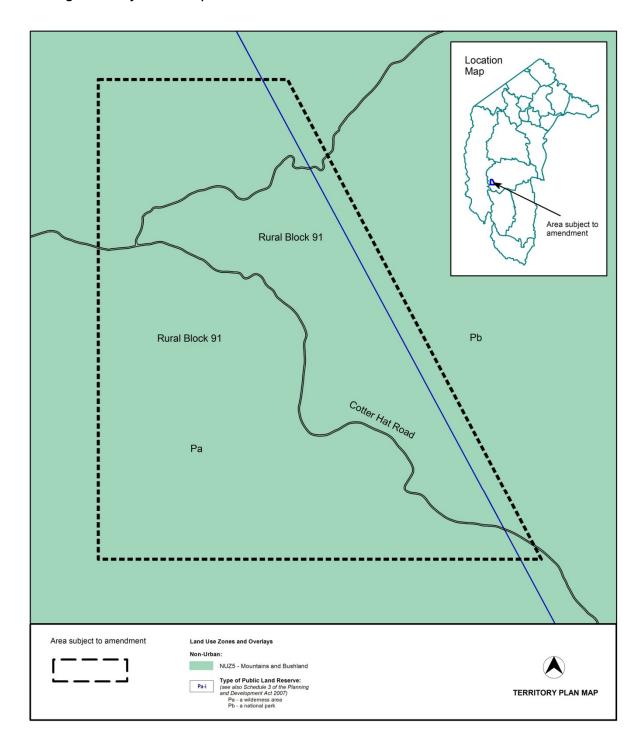
To correct this anomaly the Conservator of Flora and Fauna recommends that the boundaries of the wilderness area be amended to reflect the on-ground use and that the area from the intersection of Cotter Hut Road and Smokers Trail back to the boundary of the existing boundary of the wilderness area (see 'Proposed Territory Plan Map figure' over) be excised from the wilderness area. This area would be then subject to a national park overlay and cycling would formally be a permitted activity.

The planning and land authority may change the boundary of an overlay under section 87(a)(2) of the Act if the authority is advised to do so by the Conservator of Flora and Fauna (section 90A (3)), and the change is consistent with the apparent intent of the original boundary line and the objective for the zone. For this change, being NUZ5 – Mountains and Bushland Zone, one of the zone objectives is: 'd) Provide opportunities for appropriate recreational use.'

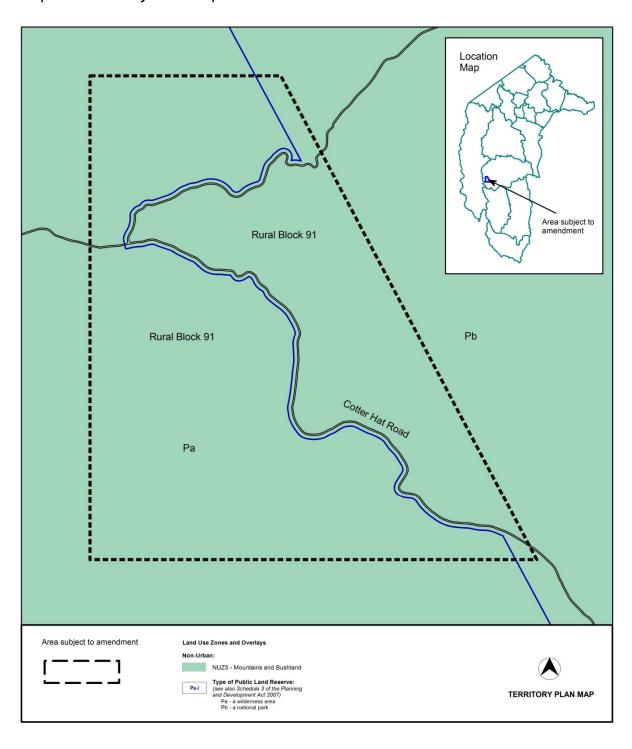
Statement of compliance with the Planning and Development Act 2007

Section Statement Compliant. This technical s87(1)(b) a variation to change the boundary of a zone amendment has been prepared or overlay under to adjust the overlay boundary section 90A (Rezoning—boundary changes); for part of the Bimberi Wilderness area in the Namadqi s90A Rezoning – Boundary changes National Park in response to a (2) The planning and land authority may vary the request from the Conservator of territory plan under section 89 (Making technical Flora and Fauna. amendments) to change the boundary of the zone or overlay to encroach onto the adjoining The technical amendment territory land if the change is consistent with satisfies section 90A (2) and (3) (a) the apparent intent of the original boundary of the Act as described in the line: and explanation in part 2.13 of this document. (b) the objective for the zone. (3) The planning and land authority may vary the territory plan under section 89 to change the boundary of an overlay to encroach onto the adjoining territory land if-(a) the authority is advised to do so by— (i) the conservator of flora and fauna; or (ii) the custodian of the land for the overlay; and (b) the conditions in subsection (2) (a) and (b) are satisfied.

Existing Territory Plan Map

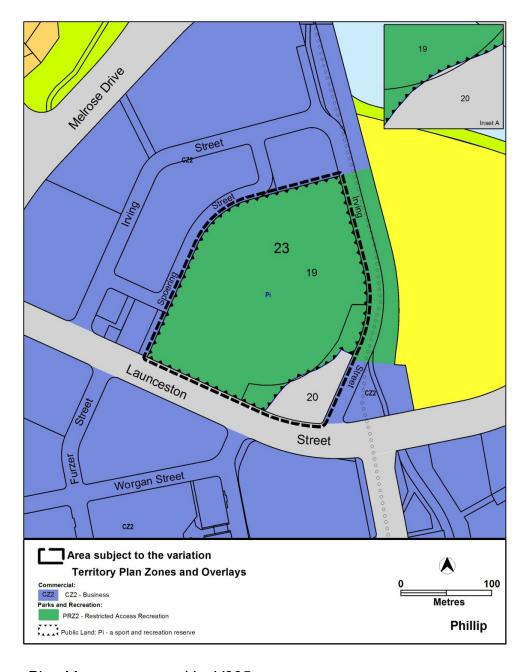


Proposed Territory Plan Map



2.14 Adjustments to zones and overlay – Phillip Oval and Bus Layover

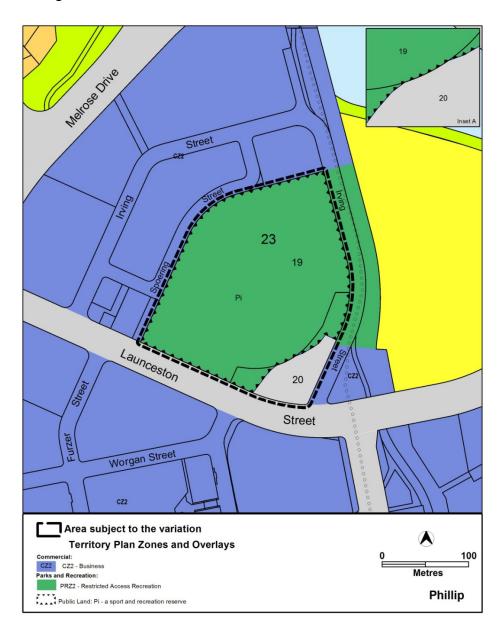
Variation 325 (V325) to the Territory Plan rezoned the south-east part of block 13 section 23 Phillip (Phillip Oval) from PRZ2 Restricted Access Recreation (PRZ2) to TSZ1 Transport (TSZ1) to allow for the development of a bus layover. As a part of V325 the boundary of the 'public land' overlay was also removed from part block 13 and realigned with the new boundaries of Phillip Oval. This also included block 14 section 23 Phillip as compensation for the land Phillip Oval lost to the bus layover site. The Territory Plan map as approved by V325 can be seen in the existing Territory Plan map diagram below.



Territory Plan Map as approved by V325

At the time of facilitating V325 the exact size and shape of the bus layover facility was not known and an approximate area was rezoned to TSZ1. Since V325 has been finalised a new block was created for the bus layover (block 20, section 23 Phillip) and the construction of the facility has been completed. Part of the approximate boundaries of TSZ1, approved in V325, slightly encroach into Phillip Oval's PRZ2 zoning as well as the public land overlay. This area of overlap is approximately $25m^2$.

For consistency and clarity in ongoing management and to confirm the original intent of the boundaries of both Phillip Oval and the Bus Layover Facility the area of the TSZ1 zone on the Phillip Oval site will be rezoned to PRZ2 Restricted Access Recreation and the public land overlay will be amended to reflect this new zoning as seen in the diagram below.



Proposed Territory Plan Map for Phillip Oval and Bus Layover Facility

Statement of compliance with the Planning and Development Act 2007

90A **Rezoning-boundary changes** Block 20, section 23 Phillip (Bus (1) This section applies to a zone or Layover Facility) and Block 13 section overlay in relation to land if the land 23 Phillip (Phillip Oval) both are blocks adjoins unleased territory land or land where the Territory are registered for which the Territory is the proprietors of the land. registered proprietor (the adjoining territory land). (2) The planning and land authority may V325 rezoned an approximate area from vary the territory plan under section PRZ2 to TSZ1 for the bus layover 89 (Making technical amendments) to facility. As the boundaries of the bus change the boundary of the zone or layover facility are now determined the overlay to encroach onto the TZ1 zoning has encroached into Phillip adjoining territory land if the change Oval. This amendment is to confirm the is consistent withintent of the original boundary by (a) the apparent intent of the matching the zoning and public land original boundary line; and overlay to block boundaries where (b) the objective for the zone required. TSZ1 zoning currently exists on a small portion of the Phillip Oval site. This area is proposed to be rezoned to PRZ2 as the rest of Phillip Oval. This proposal therefore will better represent the objectives of each of the TSZ1 and PRZ2 zones. (3) The planning and land authority may The custodian of the land was notified vary the territory plan under section and the planning and land authority was 89 to change the boundary of the advised that the rezoning and movement zone or overlay to encroach onto the of the public land overlay was adjoining territory land ifauthorised. (a) The authority is advised to do so by-The conservator of flora (i) and fauna; or The custodian of the land (ii) for the overlay; and (b) The conditions in subsection (2) (a) and (b) are satisfied. (4) In this section: The public land overlay is an overlay which is identified in the Territory Plan Overlay means an overlay identified in the territory 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 RZ1, RZ2, RZ3, RZ4, RZ5 residential zones development tables

1. MINIMUM ASSESSMENT TRACK IMPACT

Substitute

MINIMUM ASSESSMENT TRACK IMPACT

Development application required and assessed in the impact track

- 1. Development that is not:
 - Exempt, code track or merit track development (see section 132 of the Planning and Development Act 2007); 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.

3.2 CZ1, CZ2, CZ3, CZ4, CZ5 commercial zones development tables

2. MINIMUM ASSESSMENT TRACK MERIT

Substitute

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

3. MINIMUM ASSESSMENT TRACK IMPACT

Substitute

MINIMUM ASSESSMENT TRACK

Development listed below requires a development application and is assessed in the impact track

- 1. Development that is not:
 - Exempt, code track or merit track development (see section 132 of the Planning and Development Act 2007); or
 - 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.

3.3 IZ1 and IZ2 industrial zones development tables

4. MINIMUM ASSESSMENT TRACK MERIT

Substitute

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

5. MINIMUM ASSESSMENT TRACK IMPACT

Substitute

MINIMUM ASSESSMENT TRACK IMPACT

Development listed below requires a development application and is assessed in the impact track

- Development that is not:
 - a. Exempt, code track or merit track development (see section 132 of the Planning and Development Act 2007); or
 - 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.

3.4 Community facility zone development table

6. MINIMUM ASSESSMENT TRACK MERIT

Substitute

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

7. MINIMUM ASSESSMENT TRACK IMPACT

Substitute

MINIMUM ASSESSMENT TRACK IMPACT

Development listed below requires a development application and is assessed in the impact track

- 1. Development that is not:
 - Exempt, code track or merit track development (see section 132 of the Planning and Development Act 2007); 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.

3.5 PRZ1 and PRZ2 parks and recreation zone development tables

8. MINIMUM ASSESSMENT TRACK IMPACT

Substitute

MINIMUM ASSESSMENT TRACK IMPACT

Development listed below requires a development application and is assessed in the impact track

- 1. Development that is not:
 - Exempt, code track or merit track development (see section 132 of the Planning and Development Act 2007); or
 - b. Prohibited development, other than development that is permitted under s137 of the Planning and Development Act 2007.
- 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.

3.6 TS1 and TS2 transport and services zone development tables

9. MINIMUM ASSESSMENT TRACK MERIT

Substitute

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

10. MINIMUM ASSESSMENT TRACK IMPACT

Substitute

MINIMUM ASSESSMENT TRACK IMPACT

Development listed below requires a development application and is assessed in the impact track

- 1. Development that is not:
 - Exempt, code track or merit track development (see section 132 of the Planning and Development Act 2007); 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.

3.7 NUZ1, NUZ2, NUZ3, NUZ4, NUZ5 Non-Urban Zones Development Tables

11. MINIMUM ASSESSMENT TRACK MERIT

Substitute

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

12. MINIMUM ASSESSMENT TRACK IMPACT

Substitute

MINIMUM ASSESSMENT TRACK IMPACT

Development listed below requires a development application and is assessed in the impact track

- 1. Development that is not:
 - Exempt, code track or merit track development (see section 132 of the Planning and Development Act 2007); 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.

3.8 Residential zones development code

13. Part D Subdivision and Consolidation; Element 9 Subdivision and Consolidation; Item 9.4 Subdivision of single dwelling blocks – RZ1

Substitute

R38A

This rule applies to *surrendered residential blocks* in RZ1.

Subdivision under the Planning and Development Act 2007 is not permitted.

Subdivision under the *Unit Titles Act 2001* is permitted where all of the following are met:

a) It is only for dual occupancy housing

This is a mandatory requirement. There is no applicable criterion.

b) Both *dwellings* in the *dual occupancy* have been lawfully constructed.

Note: Staged development under the *Unit Titles*Act 2001 is not permitted.

3.9 Commercial zones development code

14. Part C - Additional controls for group centres

In the table under the 'Group centre' and 'Relevant precinct code' columns add:

Casey

3.10 City precinct map and code

Omit

Criterion C14

3.11 Amaroo Precinct Map and Code

15. Element 1: Building and Site Controls; Item 1.2 Plot Ratios; R3 and R4

1.2 Plot Ratios	
R3	C3
This rule applies to area A in Figure 1.	Buildings comply with all of the following:
The maximum plot ratio is 2:1 (200%).	 a) are compatible with the desired character b) are appropriate to the scale and function of the use c) minimise detrimental impacts, including overshadowing and excessive scale.
R4	C4
This rule applies to area B in Figure 1.	Buildings comply with all of the following:
The maximum plot ratio is 1.5:1 (150%).	a) are compatible with the desired character
This rule does not apply to part section 114 Amaroo within the Community Facilities (CFZ) Zone.	b) are appropriate to the scale and function of the usec) minimise detrimental impacts, including overshadowing and excessive scale.

16. Element 2: Environment; Item 2.1 Screen Planting Zones; R10

2.1 Screen planting zones

R10

This rule applies to blocks or parcels in locations identified in Figure 2.

A minimum 1.5m wide screen planting zone (SPZ) is provided for the required length depicted in Figure 2.

A wall or fence is located along the block side of the SPZ to screen service and waste activities from the street.

The wall or fence is to be detailed to meet the Crime Prevention Through Environmental Design General Code requirements.

A single commercial driveway crossing of the SPZ is permitted for each block.

This is a mandatory requirement. There is no applicable criterion.

Substitute

Figure 2:

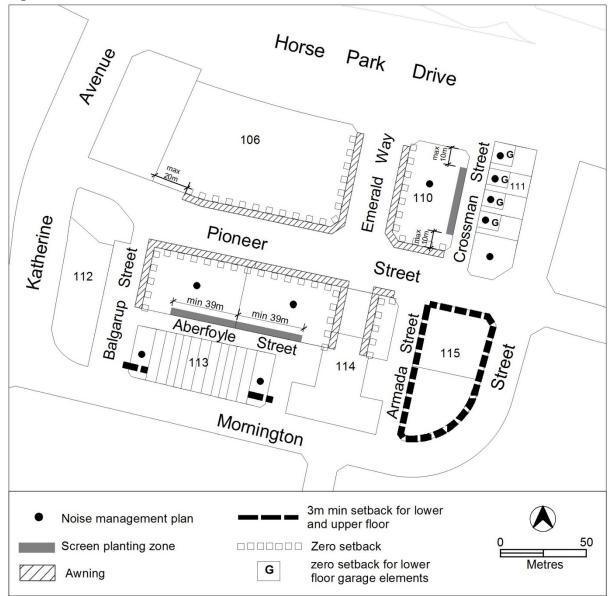


Figure 2 Setbacks and screen planting zones

3.12 Macquarie Precinct Map and Code

17.RC1 Jamison Group Centre; Element 2 Buildings; Item 2.1 Number of Storeys, Criterion C5

Substitute the last sentence of the criterion with:

"The maximum number of *storeys* is 4 or the maximum *height of building* is 15m."

3.13 Narrabundah Precinct Map and Code

18. Additional rules and criteria

Substitute

RC1 - Former Nursing Home Site

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

Element 1: Use

Rules	Criteria
1.1 Office	
R1	
Office is permitted in former nursing home buildings by one or more of the following:	This is a mandatory requirement. There is no applicable criterion.
a) sporting, cultural, social or other ACT Government	
b) non-profit community based organisation	

3.14 Coree District Precinct Map and Code

19. RC2 Uriarra Village; Element 4 Environment; Item 4.1 Water sensitive urban design

Omit

Criterion C7

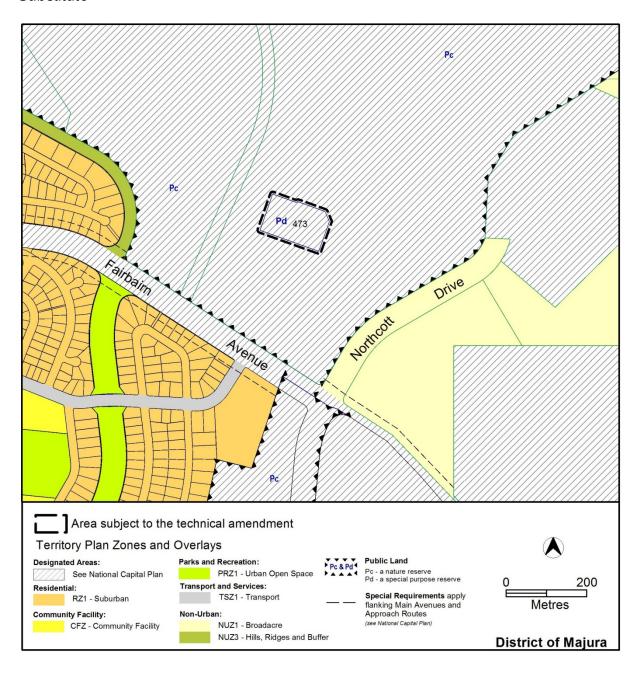
3.15 Definition - 'Residential block'

Substitute

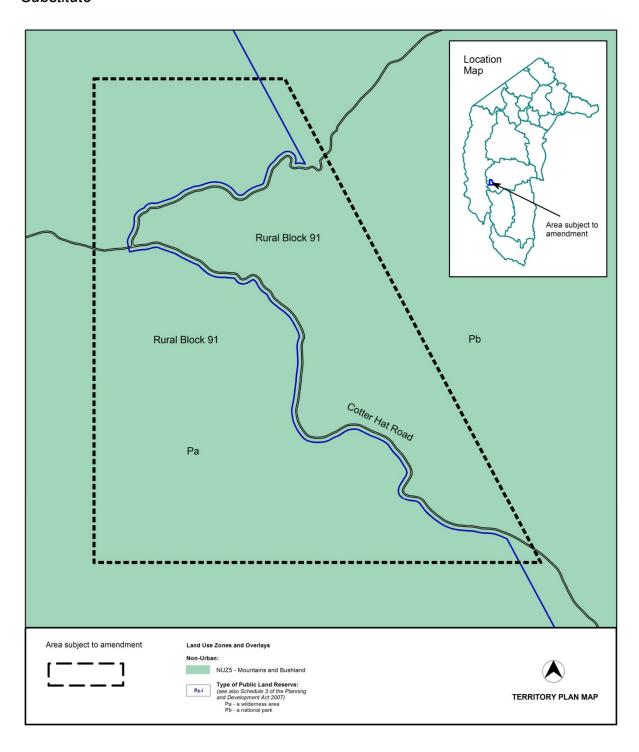
Residential block means a *block* that has at least one of the following characteristics –

- a) zoned residential
- b) affected by a lease which authorises residential use but does not include any land intended to remain as unleased Territory land or public open space.

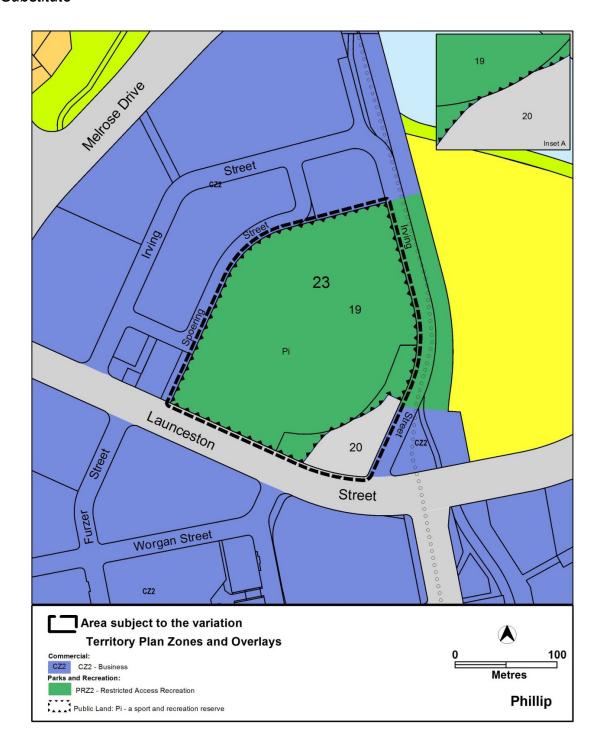
3.16 Territory Plan Map: Block 473 Majura



3.17 Territory Plan Map: Bimberi Wilderness



3.18 Adjustment to zones and overlay - Phillip Oval and Bus Layover



Interpretation service

ENGLISH If you need interpreting help, telephone:

إذا احتجت لمساعدة في الترجمة الشفوية ، إتمال برقم الهاتف:

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 τηλεφωνήσετε 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:

SERBIAN Ако вам је потребна помоћ преводиоца телефонирајте:

SPANISH Si necesita la asistencia de un intérprete, llame al: TURKISH Tercümana ihtiyacınız varsa lütfen telefon ediniz:

VIETNAMESE Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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