

Australian Capital Territory

# Planning and Development (Plan Variation No 353) Approval 2016

Notifiable instrument NI2016–393

made under the

Planning and Development Act 2007, section 76(3)(a) (Minister's powers in relation to draft plan variations)

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## 1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 353) Approval 2016*.

## 2 Approval of draft plan variation

(1) I approve under section 76(3)(a) of the *Planning and Development Act 2007* the draft plan variation No 353 to the Territory Plan.

(2) In this section:

***Draft plan variation No 353 to the Territory Plan*** means the draft plan variation in the schedule.

## 3 Expiry

This instrument expires 12 months after notification.

Mick Gentleman MLA  
Minister for Planning and Land Management

26 July 2016



**ACT**  
Government

Environment and Planning

*Planning and Development Act 2007*

**Draft**  
**Variation to the**  
**Territory Plan**  
**No 353**

Changes to various zone development tables,  
codes and definitions

July 2016

Final variation prepared under s76 of the  
*Planning and Development Act 2007*

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# **1. EXPLANATORY STATEMENT**

## **1.1 Background**

### **1.1.1 Mobile phone facilities (Communications facility)**

The telecommunications industry has raised concerns regarding constraints on where mobile phone facilities (MPFs) can be located in the ACT.

Between 2005 and 2008, approval of new mobile phone network infrastructure was managed outside the Territory Plan under the 'Guideline for Telecommunications (Mobile Phone) Networks' and what were called 'network plans'. Many of the MPFs which were introduced as part of the network plans approved under the previous planning regime are located in the PRZ1 Urban Open Space zone.

With the introduction of the new planning system in 2008, MPFs fall under the definition of 'Communications facility' in the Territory Plan. 'Communications facility' is permitted in 13 Territory Plan zones including industrial zones, most non-urban zones, most commercial zones and PRZ2 Restricted Access Recreation zone, but is prohibited in 10 zones including some commercial zones, all residential zones and the PRZ1 urban open space zone. While MPF's are prohibited in residential zones, many are located in residential areas as they are located in road reserves zoned TSZ1 Transport Zone. The impacts of these developments are assessed under the Communications Facilities and Associated Infrastructure General Code.

In considering where additional MPF's may be located it was determined that the PRZ1 Urban Open Space Zone is suitable. PRZ1 zoned land is distributed widely across the urban areas of Canberra. Permitting 'Communications facility' in the PRZ1 zone would substantially increase the range of potential locations for MPFs across urban areas and many such facilities already exist in this zone as a result of historical legislative settings. As such it is proposed to change the Territory Plan to permit 'Communications facility' in the PRZ1 zone.

The need to comply with the Communications Facilities and Associated Infrastructure General Code and proposed changes to the Parks and Recreation Zone Development Code will ensure that any development is appropriately assessed and does not detract from the use of the surrounding urban open space for its primary purpose.

### **1.1.2 Eating establishments – Beard Precinct Map and Code**

The Eastern Industrial Estate of Beard is located within the NUZ1 Broadacre zone and is also subject to the Beard Precinct Map and Code. Currently, a take-away food shop or any other form of eating establishment is not permitted in the area, despite there being a clear need to provide these services for local employees and visitors. The demand for services providing food and beverages will continue to increase as the estate develops. At present, the nearest conveniences are located in Fyshwick or Queanbeyan, which requires employees to drive to these locations to purchase any food or drink products.

A 'SHOP' (including take-away food shop) and 'Restaurant' are permitted uses in the IZ2 Mixed Use Industrial zone; prohibited in the NUZ1 Broadacre zone; and not listed as 'Additional merit track development' in the Beard Precinct Code.

It is proposed to include 'Take-away food shop' and 'restaurant' in the Beard Precinct Map and Code as an additional merit track development to serve the needs of workers and visitors to the area bringing it into closer alignment with uses ordinarily permitted in a mixed use industrial area.

### **1.1.3 Supermarket –Fyshwick Precinct Map and Code**

Block 8 section 48 Fyshwick (the site) is the location of the Canberra Outlet Centre (the Centre). It is located within the IZ2 Industrial Mixed Use zone and also subject to the Fyshwick Precinct Map and Code.

The site is bounded by Canberra Avenue to the South, Newcastle Street to the West and Iron Knob Street to the north. Because the block is immediately adjacent to the intersection of Canberra Avenue/Newcastle Street/Hindmarsh Drive, it is identified part of a Major Avenue and Approach Route under the National Capital Plan. Therefore, the block is also subject to Development Control Plan (DCP) 11/03 under the National Capital Plan.

A 'SHOP' selling food or supermarket (except produce market) of 200m<sup>2</sup> is currently permitted for the subject block in the Fyshwick Precinct Code. It is proposed to increase the maximum *gross floor area* for a 'SHOP' selling food or supermarket (except produce market) to 1000m<sup>2</sup> for one shop only. It is anticipated that this change will broaden the range of retail facilities offered in the Centre by allowing a local centre sized supermarket. This will also serve the needs of workers and visitors to the Centre and Fyshwick, and is expected to enhance the ongoing financial viability of the Centre.

#### **1.1.4 Lease variations**

'Varying a lease' is an assessable development in all zones. Certain categories of lease variation are intended to be assessed in the code track as outlined in the Lease Variation General Code. However these forms of lease variation are not currently listed under 'MINIMUM ASSESSMENT TRACK: CODE' in certain Territory Plan Zone Development Tables. It is proposed to amend these development tables to clarify the forms of lease variation that may be assessed in the code track.

Also, varying a lease to add a use listed as 'prohibited development' is itself a prohibited development. It is proposed to amend all zone development tables in order to clarify this.

#### **1.1.5 Lease Variation General Code**

An inconsistency has been identified in the Lease Variation General Code. Rule R7 should include wording that also refers to a change in the number of dwellings or units on land. This amendment does not change current processes and policy as the Act already permits this, but makes the requirements clearer and ensures that both changing or expressing the number of dwellings or units for residential and commercial premises respectively are recognised and included in the provision.

#### **1.1.6 Estate Development Code**

The Estate Development Code contains provisions which are designed to prevent narrow blocks from having vehicular access to busy streets and to ensure that where the northern boundary of a narrow block faces a street it is not dominated by garaging. For these sites vehicular access and garaging is instead provided through rear lanes in most instances.

The objective of this provision is supported. However, the provision does not allow consideration to be given to a block configuration which includes some narrow blocks whose only street frontage is a rear lane to the north. Having blocks with access from a rear lane to the north can be desirable as the access is not off a busy street and open space and solar access is able to be provided on the site through careful design in accordance with the Single Dwelling Housing Development Code.

In order to ensure the objectives of this rule are met while providing greater flexibility to allow a choice of block and housing types it is proposed to amend the wording of the rule so that it continues to apply unless the address street boundary is a rear lane.



### **1.1.7 Definitions of Development: Major service conduits**

EPD has received a number of enquiries seeking clarification of the definition of 'Major service conduits' when referring to coaxial cables and optical fibre cables.

Coaxial cables and optical fibre cables of any size are deemed to be 'major service conduits' included under the umbrella term 'MAJOR UTILITY INSTALLATION' which is permissible in some zones and prohibited in others such as commercial zones. In residential zones, the use is assessable in the impact track.

Coaxial cables and optical fibre cables are typically no wider than 10mm. They are a common component in building wiring and ICT/AV equipment. Bundles of cables may be carried within conduits or ducts. The width of the duct will vary depending on the circumstances.

The inclusion of coaxial cables and optical fibre cables in the definition of 'Major service conduits' without any reference to their size is inconsistent with the way the rest of the definition is presented. It is proposed to adjust the definition by removing reference to coaxial cables and optical fibre cables specifically and instead allowing them to fall into the existing category of major telecommunication cable ducts where having a width equal to or greater than 1000mm. If the cables are not located within a duct of this size they would then be able to be assessed as minor service reticulation.

## 1.2 Summary of the proposal

As part of the ongoing monitoring of the Territory Plan, a number of matters have been identified across different parts of the Plan that require changes in order to better meet the needs of government, industry and the community. These include: changes in the types of development permitted in certain zones; improving the understanding and functionality of certain code provisions; and refinements to a definition.

The matters to be addressed in this draft variation are in three categories:

- 1. Zone development tables - assessable and/or prohibited development**  
Amendments to certain zone development tables to permit or prohibit certain uses
- 2. Changes to code provisions**  
Changes to provisions in some Territory Plan development codes, the Lease Variation General Code, the Estate Development Code, the Beard precinct map and code and the Fyshwick precinct map and code
- 3. Definitions of Development**  
Clarification of definition of development for '*Major service conduits*'

## 1.3 The National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The Planning and Land Management Act 1988 also required that the Territory Plan is not inconsistent with the NCP.

In accordance with section 10 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, the National Capital Plan defines the planning principles and policies for Canberra and the Territory, for giving effect to the object of the NCP and sets out the general policies to be implemented throughout the Territory, including the range and nature of permitted land uses.

It also sets out the detailed conditions of planning, design and development for areas that have special significance to the National Capital known as designated areas and identifies special requirements for the development of some other areas.

## 1.4 Current Territory Plan provisions and changes

### 1.4.1 Mobile phone facilities (Communications facility)

The Territory Plan currently prohibits Communications facilities in the PRZ1 urban open space zone. In order to permit this development in this zone and provide suitable controls the following changes are made:

- In the **PRZ1 Urban Open Space Zone Development Table - MINIMUM ASSESSMENT TRACK MERIT**

*Insert*

'Communications facility'

- In the **PRZ1 Urban Open Space Zone Development Table -PROHIBITED DEVELOPMENT**

*Omit*

'Communications facility'

- In the **Parks and Recreation Zone Development Code, Part A(1)-PRZ1-Urban Open Space Zone, Element 2**

*Insert a new item 2.4 and associated provisions:*

2.4 Communications Facility	
There is no applicable rule.	<p>C6A</p> <p>Development of land for a Communications facility is compatible with the use of the surrounding open space and nearby residential areas by ensuring that:</p> <ul style="list-style-type: none"><li>a) sufficient surrounding open space is retained to meet the recreational and social needs of the community</li><li>b) existing public access to surrounding open space is maintained</li><li>c) any detrimental impacts on the site and surrounding area are minimised</li><li>d) development complies with the Communications Facilities and Associated Infrastructure General Code</li></ul>

### 1.4.2 Eating Establishments – Beard precinct map and code

In order to allow food outlets in the Eastern Industrial Estate of Beard the following changes are made:

- In the **Beard Precinct Map and Code Table 2 - Additional merit track development:**

*Insert in the column titled 'Development':*

'Take-away food shop' and 'Restaurant'

- In the **Beard Precinct Map and Code – Additional Rules and Criteria-RC1-Harman Industrial Area-Element 1:**

*Insert:*

1.2 Take-away food shops and restaurants	
R2 The maximum gross floor area for each take-away food shop or restaurant is 200m <sup>2</sup> .	This is a mandatory requirement. There is no applicable criterion.

- In the **Beard Precinct Map and Code – Additional Rules and Criteria-RC1-Harman Industrial Area**

*Insert:*

#### Element 2: Site

2.1 Environmental audit – site contamination	
R3 Applications where a <i>restaurant</i> or <i>take-away food shop</i> is proposed on a site are to be accompanied by a report from an Environment Protection Authority (EPA) approved auditor, with written endorsement from the EPA, advising that the site has been assessed for suitability from a contamination perspective.	C3 Applications without written auditor and EPA endorsement will be referred to the EPA .

### 1.4.3 Shop – floor area limit – Fyshwick precinct map and code

In order to allow a 'SHOP' with a maximum *gross floor area* of 1000m<sup>2</sup>, the following changes are made to amend the Fyshwick Precinct Map and Code:

- Excluding block 8 section 48 Fyshwick from RC2 area on Fyshwick Precinct Map
- Introduce an RC5 area to include block 8 section 48 Fyshwick on Fyshwick Precinct Map
- Introduce a rule for RC5 area to permit one supermarket with a maximum *gross floor area* of 1000m<sup>2</sup>

- **Fyshwick Precinct Code**

*Existing provision for block 8 section 48 Fyshwick*

#### **RC2 – Industrial mixed use zone**

This part applies to blocks and parcels identified in area RC2 shown on the Fyshwick Precinct Map.

##### **Element 2: Use**

Rules	Criteria
<b>2.1 SHOP – floor area limit</b>	
<p>R2</p> <p>The maximum <i>gross floor area</i> per shop complies with all of the following:</p> <p>a) <i>SHOP</i> selling food or supermarket, except produce market – 200m<sup>2</sup></p> <p>b) <i>SHOP</i>, except <i>bulky goods retailing</i> – 3000m<sup>2</sup></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

*New provision for block 8 section 48 Fyshwick*

#### **RC5 – Block 8 section 48 Fyshwick**

This part applies to blocks and parcels identified in area RC5 shown on the Fyshwick Precinct Map.

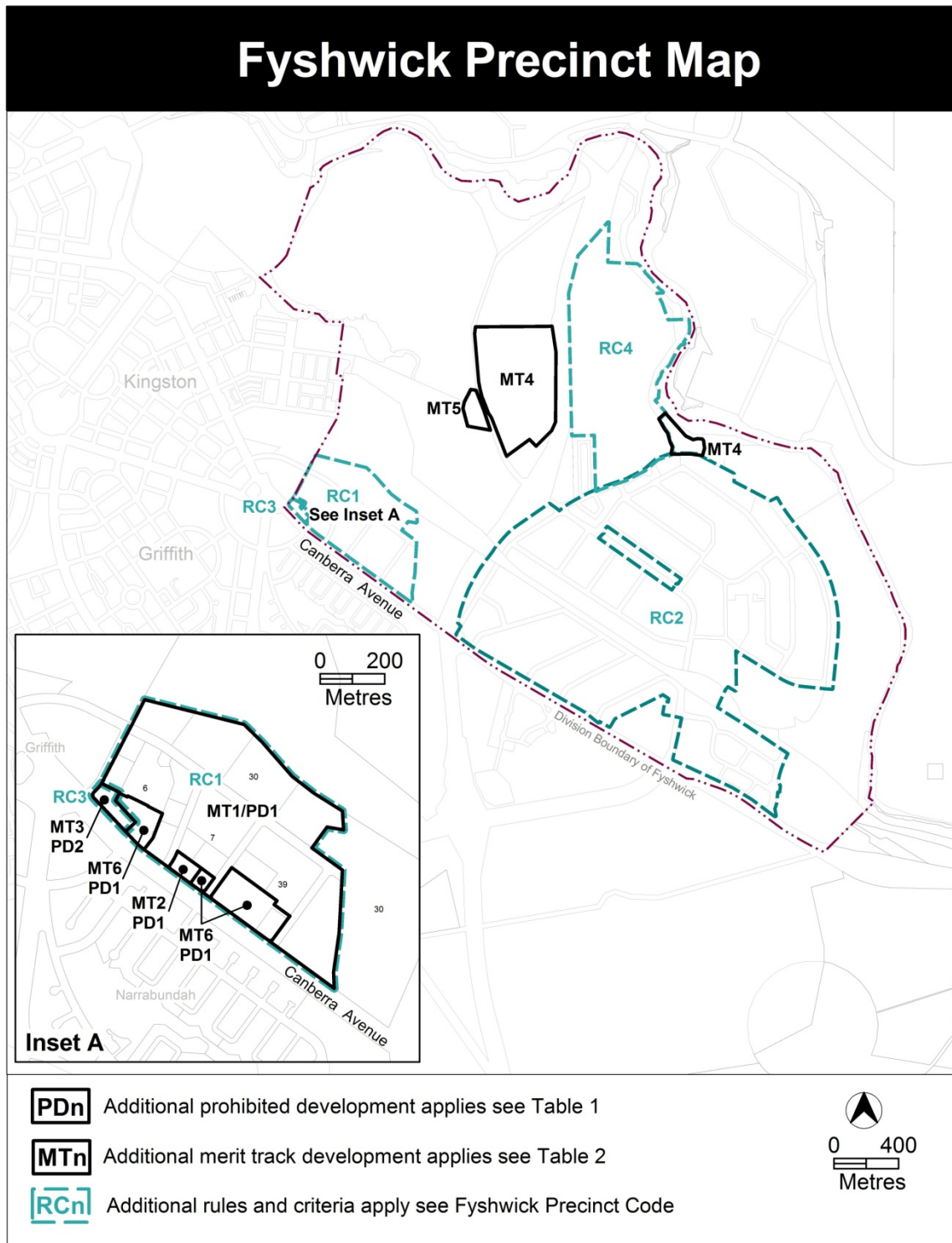
##### **Element 6: Use**

Rules	Criteria
<b>6.1 SHOP – floor area limit</b>	

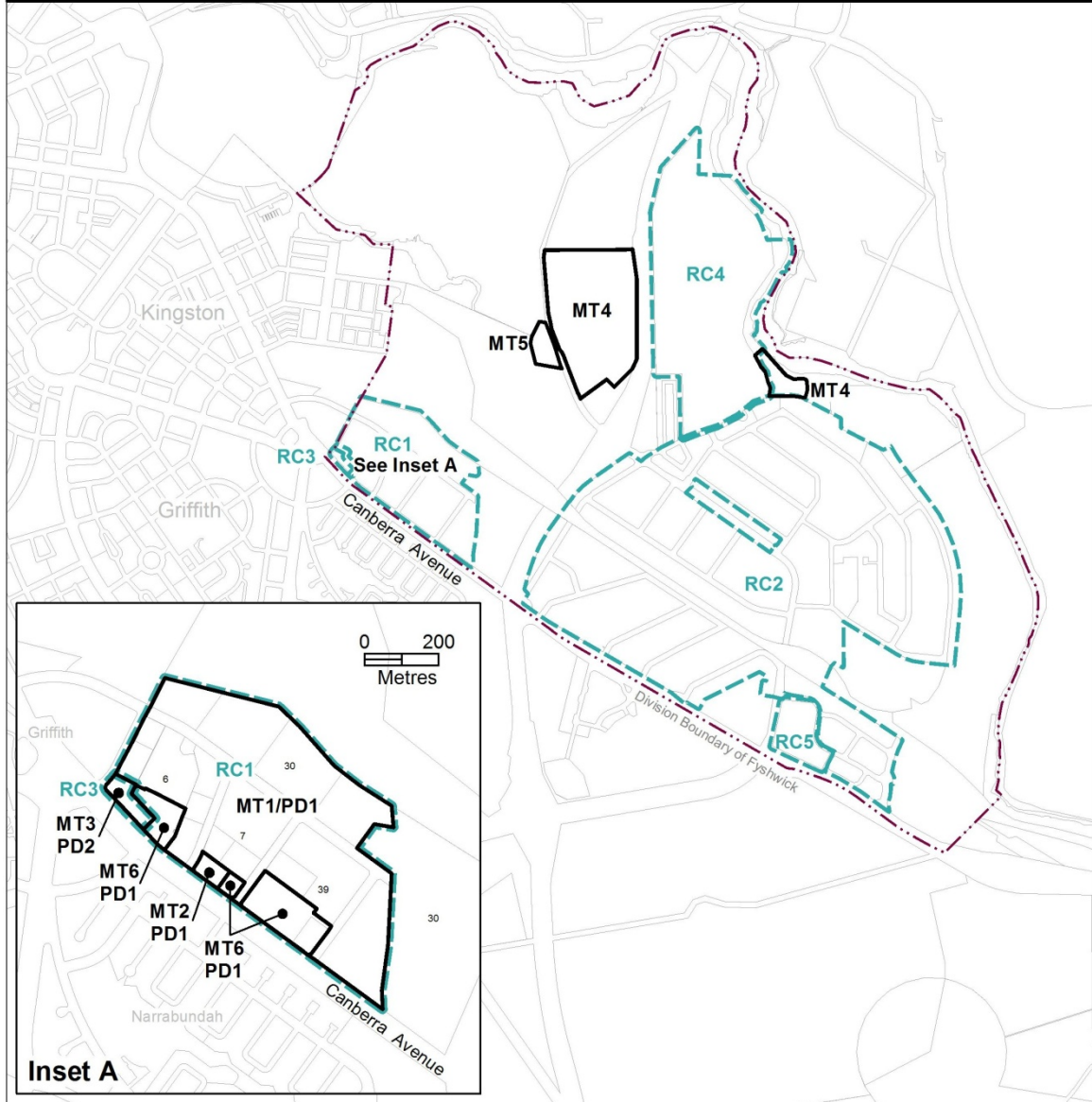
<p>R8</p> <p>The maximum <i>gross floor area</i> per shop complies with all of the following:</p> <ul style="list-style-type: none"><li>a) for one supermarket only – 1000m<sup>2</sup></li><li>b) for all other <i>SHOP</i> selling food or supermarket, except produce market – 200m<sup>2</sup></li><li>c) <i>SHOP</i>, except <i>bulky goods retailing</i> – 3000m<sup>2</sup></li></ul>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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- **Fyshwick Precinct Map**

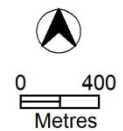
*Existing precinct map*



# Fyshwick Precinct Map



- PD<sub>n</sub>** Additional prohibited development applies see Table 1
- MT<sub>n</sub>** Additional merit track development applies see Table 2
- RC<sub>n</sub>** Additional rules and criteria apply see Fyshwick Precinct Code





#### 1.4.4 Lease variations

In order to align development tables with the Lease Variation General Code and clarify that varying a lease to add a prohibited use is itself prohibited the following changes are made:

- In all the **Residential zones development tables- MINIMUM ASSESSMENT TRACK CODE**

*Insert underlined text:*

‘Varying a lease to do one or more of the following:

1. express or change the number of approved or lawfully erected  *dwellings*
2. allow a secondary residence where erection of a secondary residence has been approved
3. remove, relocate or change easements.’

- In all the **Residential zones development tables: MINIMUM ASSESSMENT TRACK MERIT**

*Insert underlined text:*

‘varying a lease (where not prohibited, code track or impact track assessable)’

- In all the **Commercial and Industrial zones development tables- MINIMUM ASSESSMENT TRACK CODE**

*Omit*

‘No development identified’

*Insert:*

‘Varying a lease to do one or more of the following:

1. express or change the number of approved or lawfully erected units
2. remove, relocate or change easements.’

- In all other zones development tables **-MINIMUM ASSESSMENT TRACK MERIT**

*Insert:*

‘varying a lease (where not prohibited, code track or impact track assessable)’

### 1.4.5 Lease variation general code

In order to rectify the inconsistency identified in the Lease Variation General Code Rule R7 is amended to the wording as provided below:

*Existing provision:*

Rules	Criteria
<b>5.1 Expressing the number of dwellings</b>	
<p>R7</p> <p>A variation to a <i>lease</i> that expresses the number of approved or lawfully erected <i>dwellings</i> is consistent with both of the following:</p> <p>a) all other provisions of the <i>lease</i></p> <p>b) the Territory Plan, including all relevant codes.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

*Proposed provision*

#### **Element 5: Variations to express or change the number of dwellings or units**

Rules	Criteria
<b>5.1 <u>Expressing or changing the number of dwellings or units</u></b>	
<p>R7</p> <p>This rule applies to any of the following:</p> <p>a) Varying a <i>lease</i> to express the number of approved or lawfully erected <i>dwellings</i> or units</p> <p>b) Varying a <i>lease</i> to change the number of approved or lawfully erected <i>dwellings</i> or units</p> <p>c) Varying a <i>lease</i> to add a <i>secondary residence</i> where <u>erection of a <i>secondary residence</i> has been approved</u></p> <p>The variation to the <i>lease</i> is consistent with the following:</p> <p>(i) all other provisions of the <i>lease</i>; and</p> <p>(ii) the Territory Plan, including all relevant codes.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

### 1.4.6 Estate Development Code

In order to provide greater flexibility for the design of narrow blocks with an address street facing rear lanes the wording of R61 in the Estate Development Code is amended as outlined below:

*Existing provision:*

9.3 Vehicular access – blocks less than 8m wide	
<p>R61</p> <p>This rule applies to <i>single dwelling blocks</i> where the width of the block at the minimum allowable front boundary setback is less than 8m.</p> <p>No direct vehicular access is provided to either of the following:</p> <ul style="list-style-type: none"> <li>a) a road with actual or forecast traffic volumes in excess of 3000 vehicles per day</li> <li>b) any road that is adjacent to an address street boundary with a bearing between 70° and 120°</li> </ul> <p><b>Note:</b> Item b) refers to narrow blocks oriented north-south, with the access street to the north. Refer to appendix A for an explanation of how a street boundary bearing is defined.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

*New provision:*

9.3 Vehicular access – blocks less than 8m wide	
<p>R61</p> <p>This rule applies to <i>single dwelling blocks</i> where the width of the block at the minimum allowable front boundary setback is less than 8m.</p> <p>No direct vehicular access is provided to either of the following:</p> <ul style="list-style-type: none"> <li>a) a <i>major collector road</i></li> <li>b) any <i>minor collector road</i> or <i>access street</i> that is adjacent to an address street boundary with a bearing between 70° and 120°</li> </ul> <p><b>Note:</b> Item b) refers to narrow blocks oriented north-south, with the access street to the north. Refer to appendix A for an explanation of how a street boundary bearing is defined. Item b) does not apply where the access is from a rear lane irrespective of boundary orientation.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

#### 1.4.7 Definitions of Development: *Major service conduits*

*Existing definition (underlined text to be deleted)*

**Major service conduits** means the major bulk water supply and reticulation mains having a diameter equal to or greater than 675mm, trunk sewers having a diameter equal to or greater than 750mm, stormwater main drains having a diameter equal to or greater than 900mm or comprising open drains or waterways, transmission lines having a voltage greater than 66kV, gas mains having a diameter greater than 100mm, and major telecommunication cable ducts having a width equal to or greater than 1000mm, coaxial cables, and optical fibre cables.

*New definition*

**Major service conduits** means the major bulk water supply and reticulation mains having a diameter equal to or greater than 675mm, trunk sewers having a diameter equal to or greater than 750mm, stormwater main drains having a diameter equal to or greater than 900mm or comprising open drains or waterways, transmission lines having a voltage greater than 66kV, gas mains having a diameter greater than 100mm, and major telecommunication cable ducts having a width equal to or greater than 1000mm.

## 1.5 Consultation on the Draft Variation

DV 353 was released for public consultation on 20 May 2016. The closing date for comments was 4 July 2016. A total of seven (7) written submissions for DV353 were received during the public consultation period.

The main issues raised by submitters of DV353 were:

- One submission supports the variation as a means of supporting the continued efficient operation of the Territory's planning system.
- Two submissions raised concerns in relation to mobile phone towers with specific reference to health related risks and impacts on amenity.
- Four submissions raised concerns about the proposed local centre scale supermarket in Fyshwick and potential impacts on surrounding local, group and town centres and the Fyshwick industrial area. These submissions also raised concerns regarding the process and documentation supplied.
- One submission seeks to establish a better and more consistent framework for cross border consultation between the ACT Government and the Queanbeyan-Palerang Regional Council.

The above issues were considered and are detailed in a report on consultation, which is available at [www.act.gov.au/recommendedvariations](http://www.act.gov.au/recommendedvariations)

The Minister will consider the outcomes of consultation prior to making a decision on this draft variation.

## 1.6 Revisions to the Draft Variation placed on consultation

As a result of ongoing discussion with the Environment Protection Authority (EPA) regarding site audit requirements relating to contamination as provided in the agency's response during mandatory agency circulation, the Beard precinct code has been amended to include a provision as follows:

### Element 2: Site

2.1 Environmental audit – site contamination	
R3 Applications where a <i>restaurant</i> or <i>take-away food shop</i> is proposed on a site are to be accompanied by a report from an Environment Protection Authority (EPA) approved auditor, with written	C3 Applications without written auditor and EPA endorsement will be referred to the EPA .

endorsement from the EPA, advising that the site has been assessed for suitability from a contamination perspective.	
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This additional provision in the Beard precinct code has been endorsed by the EPA.

## 2. DRAFT VARIATION

### 2.1 Variation to the Territory Plan

The Territory Plan is varied in all of the following ways:

#### 2.1.1 Variation to zone development tables

<b>1. Residential RZ1-RZ5 zone development tables – MINIMUM ASSESSMENT TRACK CODE</b>
---

*Insert underlined text:*

‘Varying a lease to do one or more of the following:

1. express or change the number of approved or lawfully erected  *dwellings*
2. allow a secondary residence where erection of a secondary residence has been approved
3. remove, relocate or change easements.’

<b>2. Residential RZ1-RZ5 zone development tables – MINIMUM ASSESSMENT TRACK MERIT</b>
--

*Insert underlined text:*

‘varying a lease (where not prohibited, code track or impact track assessable)’

<b>3. Commercial CZ1-CZ6 zone development tables – MINIMUM ASSESSMENT TRACK CODE</b>
--

*Omit*

‘No development identified’

*Insert:*

‘Varying a lease to do one or more of the following:

1. express or change the number of approved or lawfully erected units
2. remove, relocate or change easements.’

**4. Commercial CZ1-CZ6 zone development tables – MINIMUM ASSESSMENT TRACK MERIT**

*Insert:*

‘varying a lease (where not prohibited, code track or impact track assessable)’

**5. Industrial IZ1 and IZ2 zone development tables – MINIMUM ASSESSMENT TRACK CODE**

*Omit*

‘No development identified’

*Insert:*

‘Varying a lease to do one or more of the following:

1. express or change the number of approved or lawfully erected units
2. remove, relocate or change easements.’

**6. Industrial IZ1 and IZ2 zone development tables – MINIMUM ASSESSMENT TRACK MERIT**

*Insert:*

‘varying a lease (where not prohibited, code track or impact track assessable)’

**7. Community Facility CFZ zone development table – MINIMUM ASSESSMENT TRACK MERIT**

*Insert:*

‘varying a lease (where not prohibited, code track or impact track assessable)’

**8. PRZ1 Urban Open Space Zone Development Table – MINIMUM ASSESSMENT TRACK MERIT**

*Insert*

‘Communications facility’



'varying a lease (where not prohibited, code track or impact track assessable)

**9. PRZ1 Urban Open Space Zone Development Table – PROHIBITED DEVELOPMENT**

*Omit*

'Communications facility'

**10. PRZ2 Restricted Access Recreation Zone Development Table – MINIMUM ASSESSMENT TRACK MERIT**

*Insert*

'varying a lease (where not prohibited, code track or impact track assessable)

**11. TS1 and TS2 Transport and Services Development Tables - MINIMUM ASSESSMENT TRACK MERIT**

*Insert*

'varying a lease (where not prohibited, code track or impact track assessable)

**12. Non Urban Zones NUZ1-NUZ5 zone development tables - MINIMUM ASSESSMENT TRACK MERIT**

*Insert*

'varying a lease (where not prohibited, code track or impact track assessable)

## 2.1.2 Variation to Parks and Recreation Zone Development Code

### 13. Part A(1) – PRZ1-Urban Open Space Zone, Element 2: Building and Site Controls

*Insert*

2.4 Communications Facility	
There is no applicable rule.	<p>C6A</p> <p>Development of land for a Communications facility is compatible with the use of the surrounding open space and nearby residential areas by ensuring that:</p> <ul style="list-style-type: none"><li>a) sufficient surrounding open space is retained to meet the recreational and social needs of the community</li><li>b) existing public access to surrounding open space is maintained</li><li>c) any detrimental impacts on the site and surrounding area are minimised</li><li>d) development complies with the Communications Facilities and Associated Infrastructure General Code</li></ul>

### 2.1.3 Variation to the Lease Variation General Code

#### 14. Part B – Lease variations in the code track

*Substitute*

#### Element 5: Variations to express or change the number of dwellings or units

Rules	Criteria
<b>5.1 Expressing or changing the number of dwellings or units</b>	
<p>R7</p> <p>This rule applies to any of the following:</p> <p>(a) Varying a <i>lease</i> to express the number of approved or lawfully erected <i>dwellings</i> or units</p> <p>(b) Varying a <i>lease</i> to change the number of approved or lawfully erected <i>dwellings</i> or units</p> <p>(c) Varying a <i>lease</i> to add a <i>secondary residence</i> where erection of a <i>secondary residence</i> has been approved</p> <p>The variation to the <i>lease</i> is consistent with the following:</p> <p>(i) all other provisions of the <i>lease</i>; and</p> <p>(ii) the Territory Plan, including all relevant codes.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

### 2.1.4 Variation to the Beard Precinct Map and Code

#### 15. Table 2 – Additional merit track development

*Insert in the column titled 'Development':*

'Restaurant'

'Take-away food shop'

## 16. Additional Rules and Criteria-RC1-Harman Industrial Area-Element 1: Use

*Insert*

1.2 Take-away food shops and restaurants	
R2 The maximum gross floor area for each take-away food shop or restaurant is 200m <sup>2</sup> .	This is a mandatory requirement. There is no applicable criterion.

## 17. Additional Rules and Criteria-RC1-Harman Industrial Area

*Insert*

### Element 2: Site

2.1 Environmental audit – site contamination	
R3 Applications where a <i>restaurant or take-away food shop</i> is proposed on a site are to be accompanied by a report from an Environment Protection Authority (EPA) approved auditor, with written endorsement from the EPA, advising that the site has been assessed for suitability from a contamination perspective.	C3 Applications without written auditor and EPA endorsement will be referred to the EPA .

### 2.1.5 Variation to the Fyshwick Precinct Map and Code

## 18. Fyshwick Precinct Map and Code

*Substitute* Fyshwick Precinct Map  
*With* **Appendix A**

*Insert*

### **RC5 – Block 8 section 48 Fyshwick**

This part applies to blocks and parcels identified in area RC5 shown on the Fyshwick Precinct Map.

#### **Element 6: Use**

Rules	Criteria
<b>6.1 SHOP – floor area limit</b>	
<p>R8</p> <p>The maximum <i>gross floor area</i> per shop complies with all of the following:</p> <p>a) for one supermarket only – 1000m<sup>2</sup></p> <p>b) for all other <i>SHOP</i> selling food or supermarket, except produce market – 200m<sup>2</sup></p> <p>c) <i>SHOP</i>, except <i>bulky goods retailing</i> – 3000m<sup>2</sup></p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## 2.1.6 Variation to the Estate Development Code

### 19. Part B- Estate Planning in residential zones and CZ5

*Substitute*

#### Element 9: Street Network

9.3 Vehicular access – blocks less than 8m wide	
<p>R61</p> <p>This rule applies to <i>single dwelling blocks</i> where the width of the block at the minimum allowable front boundary setback is less than 8m.</p> <p>No direct vehicular access is provided to either of the following:</p> <p>a) a <i>major collector</i> road</p> <p>b) any <i>minor collector</i> road or <i>access street</i> that is adjacent to an address street boundary with a bearing between 70° and 120°</p> <p><b>Note:</b> Item b) refers to narrow blocks oriented north-south, with the access street to the north. Refer to appendix A for an explanation of how a street boundary bearing is defined. Item b) does not apply where the access is from a rear lane irrespective of boundary orientation.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## 2.1.7 Variation to the Territory Plan Definitions of Development

### *Substitute*

**Major service conduits** means the major bulk water supply and reticulation mains having a diameter equal to or greater than 675mm, trunk sewers having a diameter equal to or greater than 750mm, stormwater main drains having a diameter equal to or greater than 900mm or comprising open drains or waterways, transmission lines having a voltage greater than 66kV, gas mains having a diameter greater than 100mm, and major telecommunication cable ducts having a width equal to or greater than 1000mm.

## Interpretation service

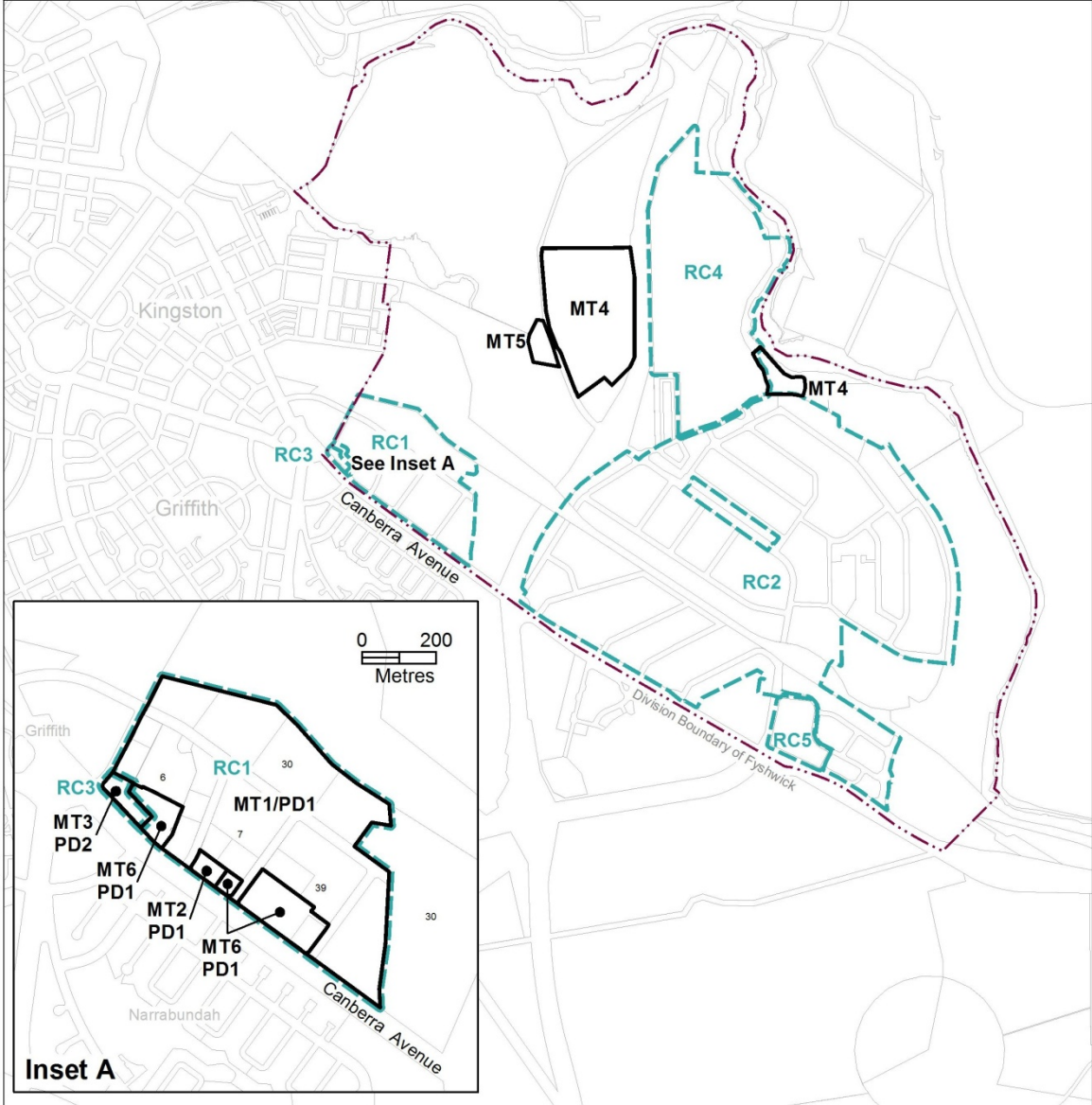
ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, çempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
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TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

### TRANSLATING AND INTERPRETING SERVICE

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# Fyshwick Precinct Map



- PD<sub>n</sub>** Additional prohibited development applies see Table 1
- MT<sub>n</sub>** Additional merit track development applies see Table 2
- RC<sub>n</sub>** Additional rules and criteria apply see Fishwick Precinct Code

