

# Planning and Development (Technical Amendment—Throsby) Plan Variation 2017 (No 2)

Notifiable Instrument NI2017—136

Technical Amendment No 2017-05

made under the

Planning and Development Act 2007, section 89 (Making technical amendments) and section 96 (Effect of approval of estate development plan)

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## 1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Throsby) Plan Variation 2017 (No 2)*.

## 2 Technical amendment

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

## 3 Commencement

This instrument commences on the day after its notification day.

## 4 Meaning of *Throsby plan variation*

For this instrument:

***Throsby plan variation*** means the technical amendment to the Territory Plan, variation 2017-05, in the schedule.

*Note:* No consultation was required in relation to the Throsby plan variation under section 87 of the Act.

Brett Phillips  
Delegate of the planning and land authority  
23 March 2017



Planning & Development Act 2007

# **Technical Amendment to the Territory Plan Variation 2017-05**

Future urban area variation and introduction of  
the Throsby Precinct Map and Code

March 2017

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# **1. INTRODUCTION**

## **1.1 Purpose**

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

### *Territory Plan Map*

- The Territory Plan map is varied to remove the Future Urban Overlay from the Division of Throsby except for section 29 and part of section 65.

### *Throsby Precinct Map and Code*

- The Throsby Precinct Map and Code is introduced.

## **1.2 Public consultation**

Under section 87 of the Planning and Development Act 2007 (the Act) this type of technical amendment is not subject to public consultation.

## **1.3 National Capital Authority**

The National Capital Authority does not need to be advised of this technical amendment as per 1.2.

## **1.4 Process**

This technical amendment has been prepared in accordance with section 87 and made in accordance with section 89 of the *Planning and Development Act 2007* (the Act).

## 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.

TA2017-05 has been prepared in accordance with section 87 (1) (c).

## 2. EXPLANATION

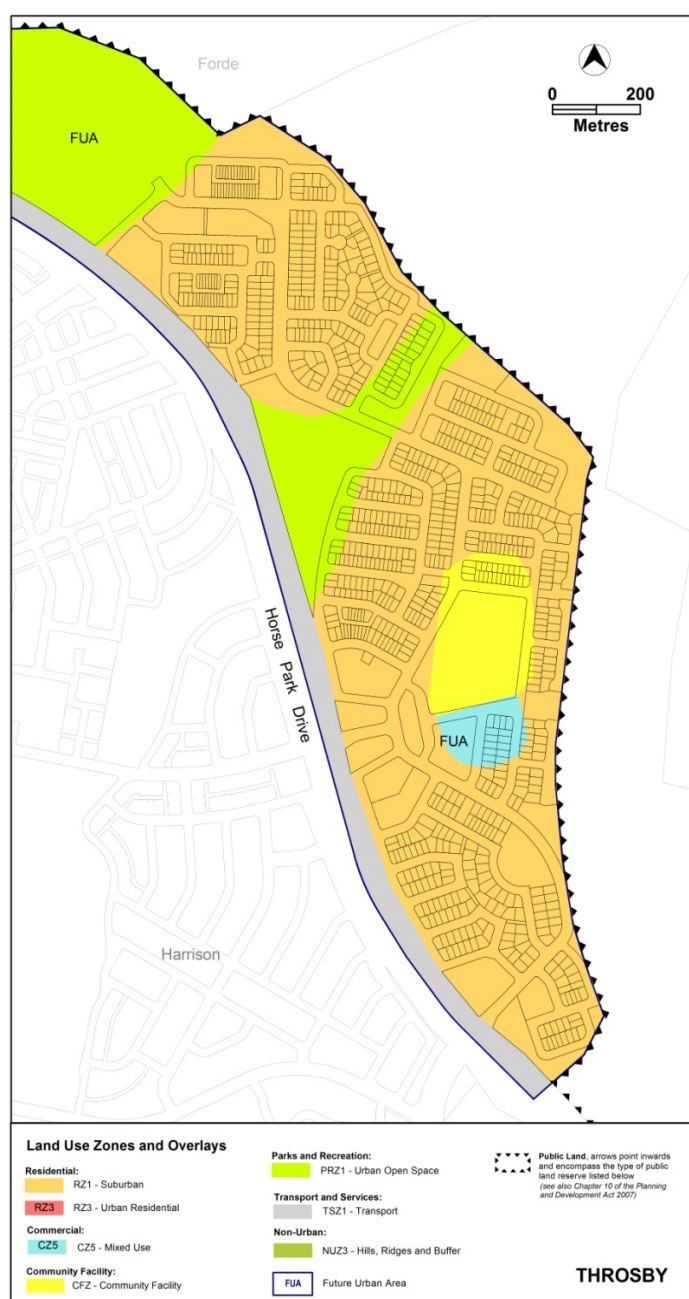
This part of the technical amendment document explains the changes to be made to the Territory Plan.

### 2.1 Territory Plan Map

#### Variation to the Territory Plan

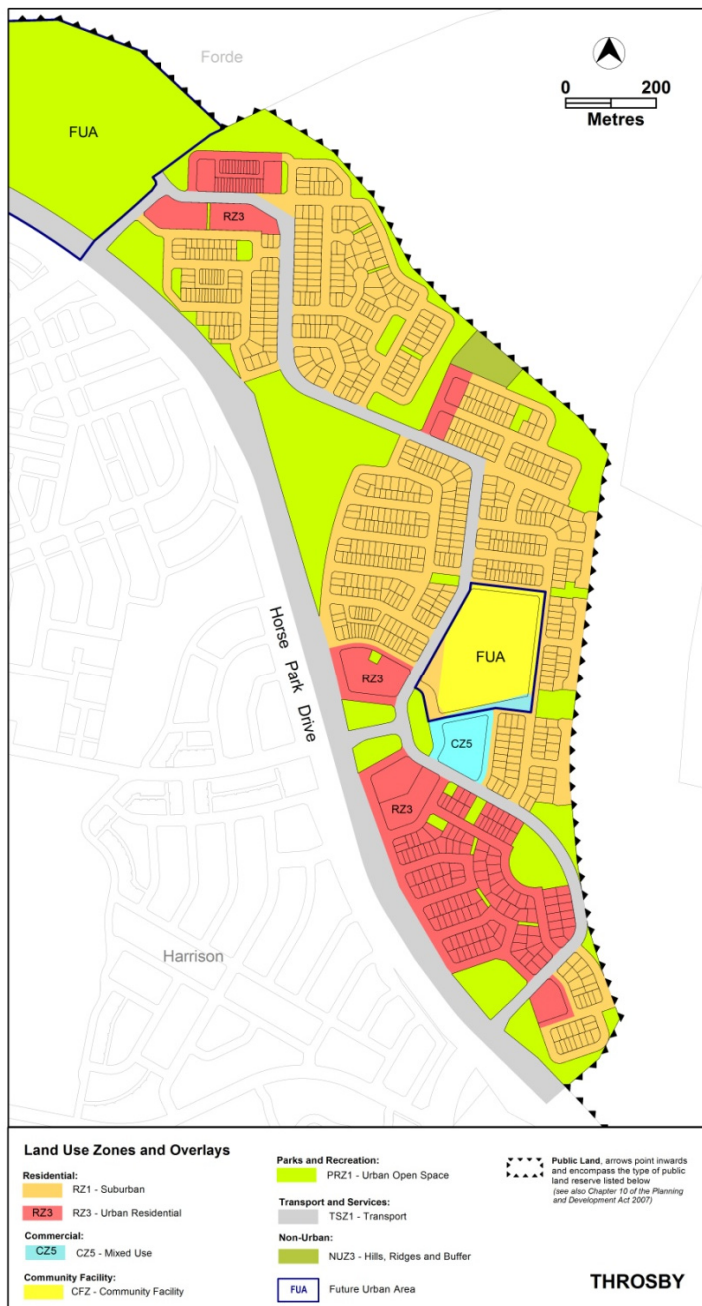
The Territory Plan map is varied to identify the zones and overlays that apply to land ceasing to be in a future urban area.

#### *Existing Territory Plan Map*





## Proposed Territory Plan Map



## **2.2 Throsby Precinct Map and Code**

### **Introduction of the Throsby Precinct Map and Code**

The Throsby precinct map and code is introduced to incorporate ongoing block specific provisions which are consistent with the approved estate development plan. It also includes provisions that have been transferred from the Throsby Concept Plan.

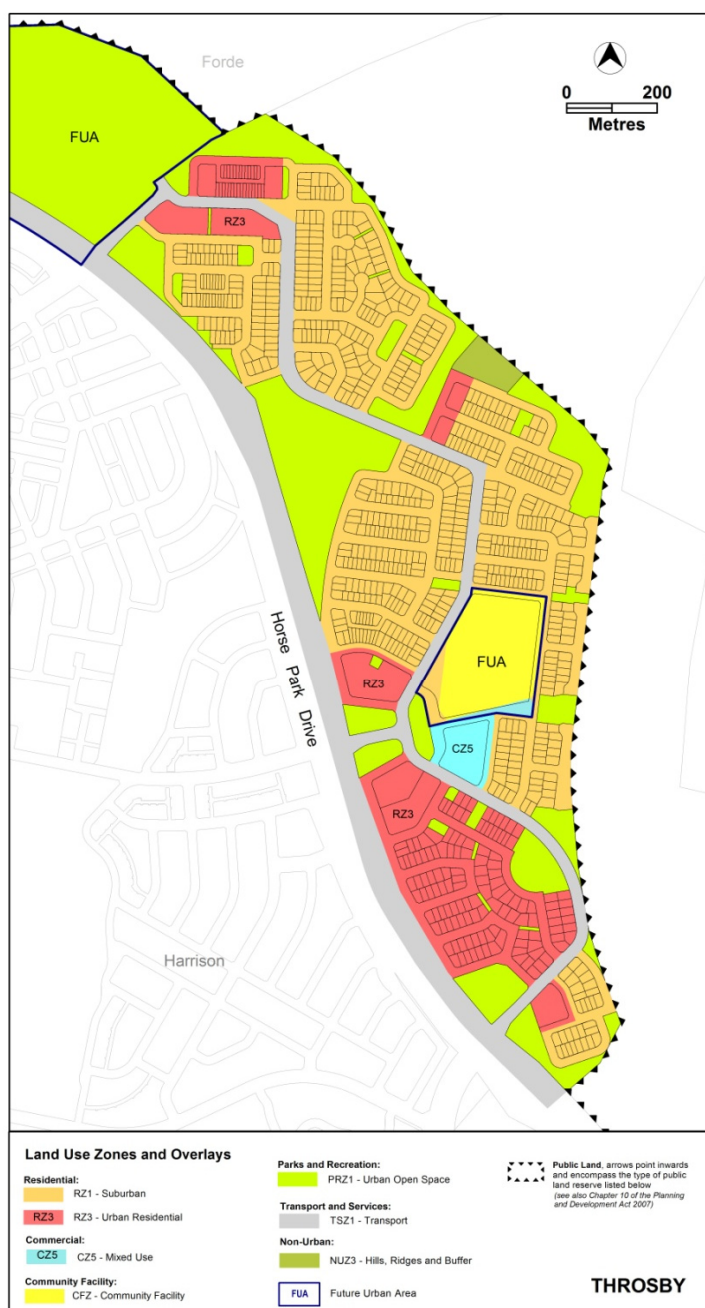
### 3. TECHNICAL AMENDMENT

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

#### 3.1 Territory Plan Map

##### 1. Territory Plan Map

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



### 3.2 Throsby Precinct Map and Code

#### 2. Throsby Precinct Map and Code

*Insert* Throsby Precinct Map and Code into the Territory Plan at Appendix A.

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CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna 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 ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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## **Appendix A**



**ACT**  
Government

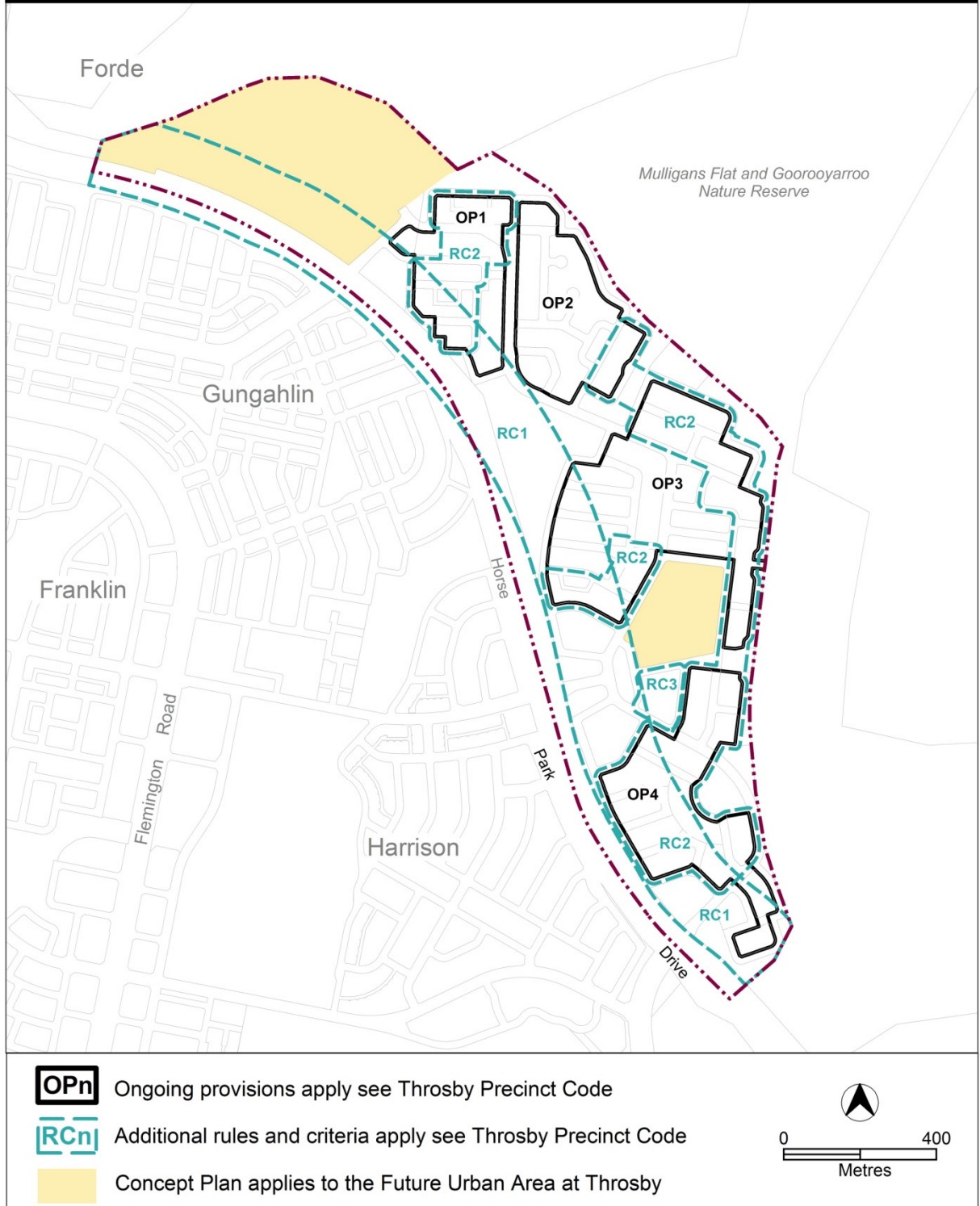
Environment, Planning and  
Sustainable Development

# Throsby Precinct Map and Code

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# Throsby Precinct Map



# Assessment Tracks

No additional provisions apply.

# Throsby Precinct Code

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# Introduction

## Name

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

## Application

The code applies to the Division of Throsby.

## Purpose

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

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

## Structure

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

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

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

## Code hierarchy

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

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

## Definitions

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

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

**Acronyms**

EPA	ACT Environment Protection Authority
ESA	ACT Emergency Services Agency
EPSDD	ACT Environment, Planning and Sustainable Development Directorate
NCA	National Capital Authority
P&D Act	Planning and Development Act 2007
TCCS	ACT Transport Canberra and City Services

## Additional rules and criteria

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

### RC1 – Buffer zone

This part applies to blocks and parcels identified in area RC1 shown on the Throsby Precinct Map. RC1 shows a buffer area of 200 metres from the gas line in the Horse Park Drive road reserve.

#### Element 1: Use

Rules	Criteria
<b>1.1 Safety management study</b>	
<p>R1</p> <p>Where development includes one or more of the following uses.</p> <ul style="list-style-type: none"><li>a) <i>child care centre</i></li><li>b) <i>community activity centre</i></li><li>c) <i>COMMUNITY USE</i></li><li>d) <i>educational establishment</i></li><li>e) <i>retirement village</i> or aged care facilities</li><li>f) <i>medium to high density residential</i></li></ul> <p>Development complies with a plan prepared by a suitably qualified person and endorsed by the Territory agency responsible for regulation and safety of utilities.</p> <p>The plan will detail an assessment against the safety management study process and location classifications in accordance with <i>Australian Standard AS2885.1 Pipelines – gas and liquid petroleum</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

## RC2 – Throsby residential

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

### Element 1: Building and site controls

Rules	Criteria
<b>1.1 Courtyard walls</b>	
<p><b>R2</b></p> <p>This rule applies to blocks or parcels in locations identified in Figures 1, 2, 3, 4, and 5.</p> <p>Courtyard walls are permitted to zero setback for the nominated boundary. The length of the wall can extend along the boundary up to the minimum setback of any street frontage.</p> <p>Note: See Diagram 1 for an elevation of a typical courtyard wall.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R3</b></p> <p>This rule applies to blocks or parcels in locations identified in Figures 2, 3 and 5.</p> <p>Courtyard walls are permitted to zero setback for the nominated boundary. The length of the wall can extend along the boundary as indicated in the figures.</p> <p>Note: See Diagram 1 for an elevation of a typical courtyard wall.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

1.2 Setbacks	
<p>R4</p> <p>This rule applies to blocks or parcels in locations identified in Figures 1 and 2.</p> <p>Minimum side boundary setback of 3m within the <i>primary building zone</i> for:</p> <ul style="list-style-type: none"> <li>- <i>lower floor level</i></li> <li>- <i>first upper floor level – external wall*</i></li> </ul> <p>* does not apply to that part of a wall with a window of any sort.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R5</p> <p>This rule applies to blocks or parcels in locations identified in Figures 1 and 2.</p> <p>Minimum side boundary setback of 6m within the primary building zone for the second <i>upper floor level – external wall*</i>.</p> <p>* does not apply to that part of a wall with a window of any sort.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

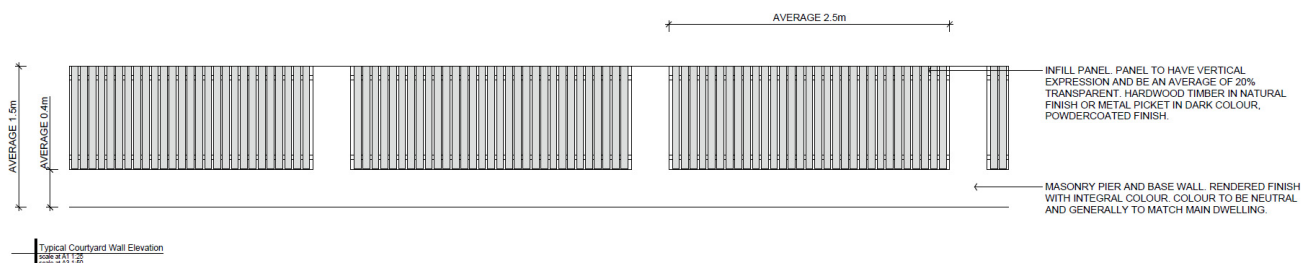
## Element 2: Access

Rules	Criteria
2.1 Vehicular access	
<p>R6</p> <p>This rule applies to blocks or parcels in locations identified in Figures 1 and 3.</p> <p>Vehicular access is not permitted to or from blocks where indicated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

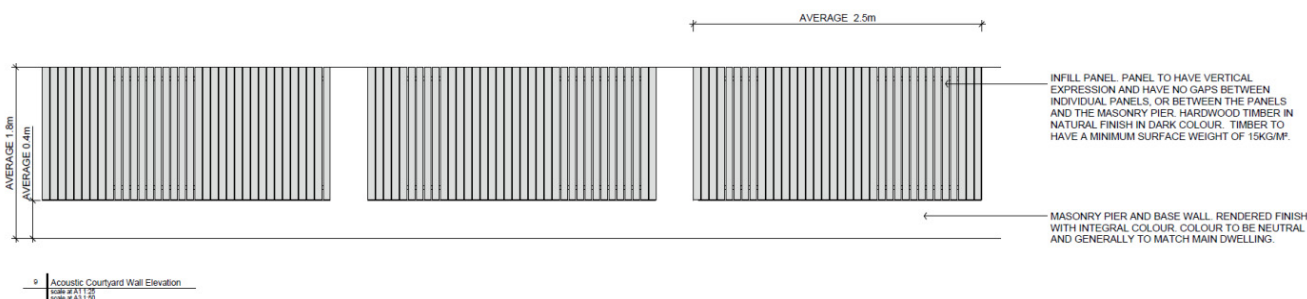


## Element 3: Amenity

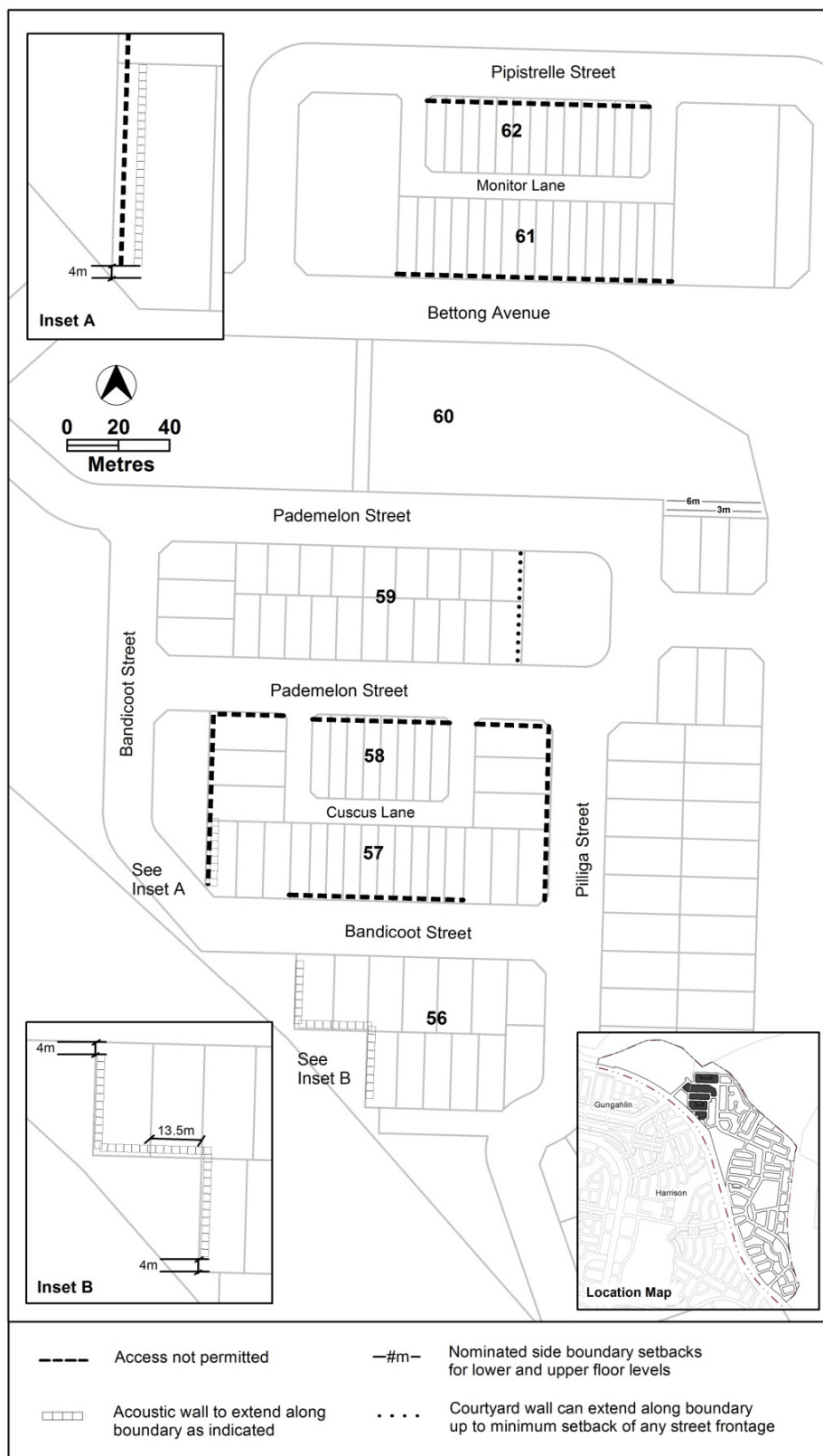
Rules	Criteria
<b>3.1 Acoustic mitigation measures</b>	
<p><b>R7</b></p> <p>This rule applies to blocks or parcels in locations identified in Figure 1.</p> <p>Acoustic courtyard wall is required. Walls are permitted to zero setback for the nominated boundary. The length of the wall is to extend along the boundary as indicated in the figure.</p> <p>Note: See Diagram 2 for an elevation of a typical acoustic courtyard wall.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p><b>R8</b></p> <p>This rule applies to blocks or parcels in locations identified in Figure 5.</p> <p>Acoustic courtyard wall is required, minimum lengths are indicated in the figure. Overall lengths and setbacks can be determined in accordance with the Single Dwelling Housing Development Code.</p> <p>Note: See Diagram 2 for an elevation of a typical acoustic courtyard wall.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>



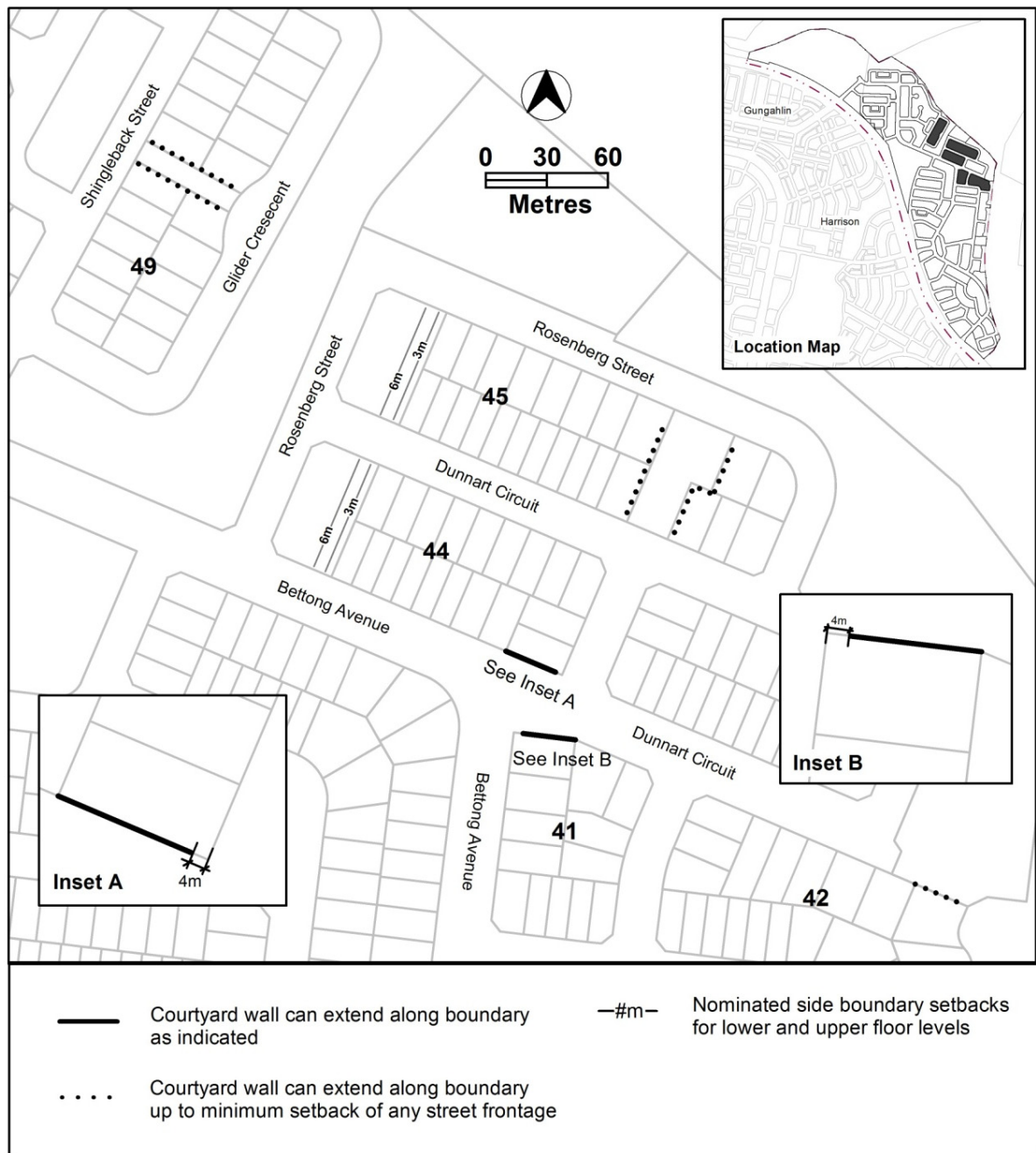
**Diagram 1 Elevation of courtyard wall**



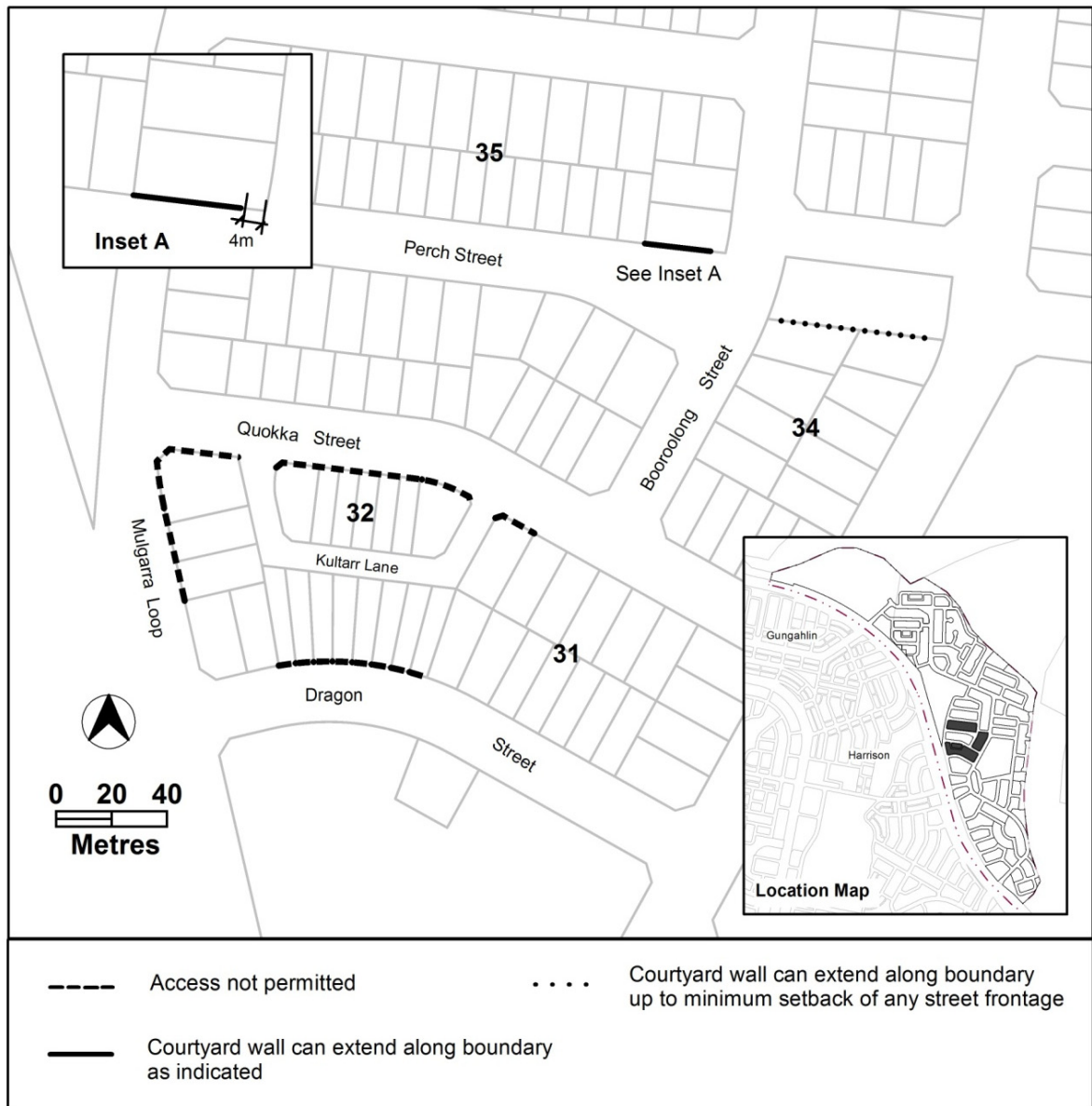
**Diagram 2 Elevation of acoustic courtyard wall**



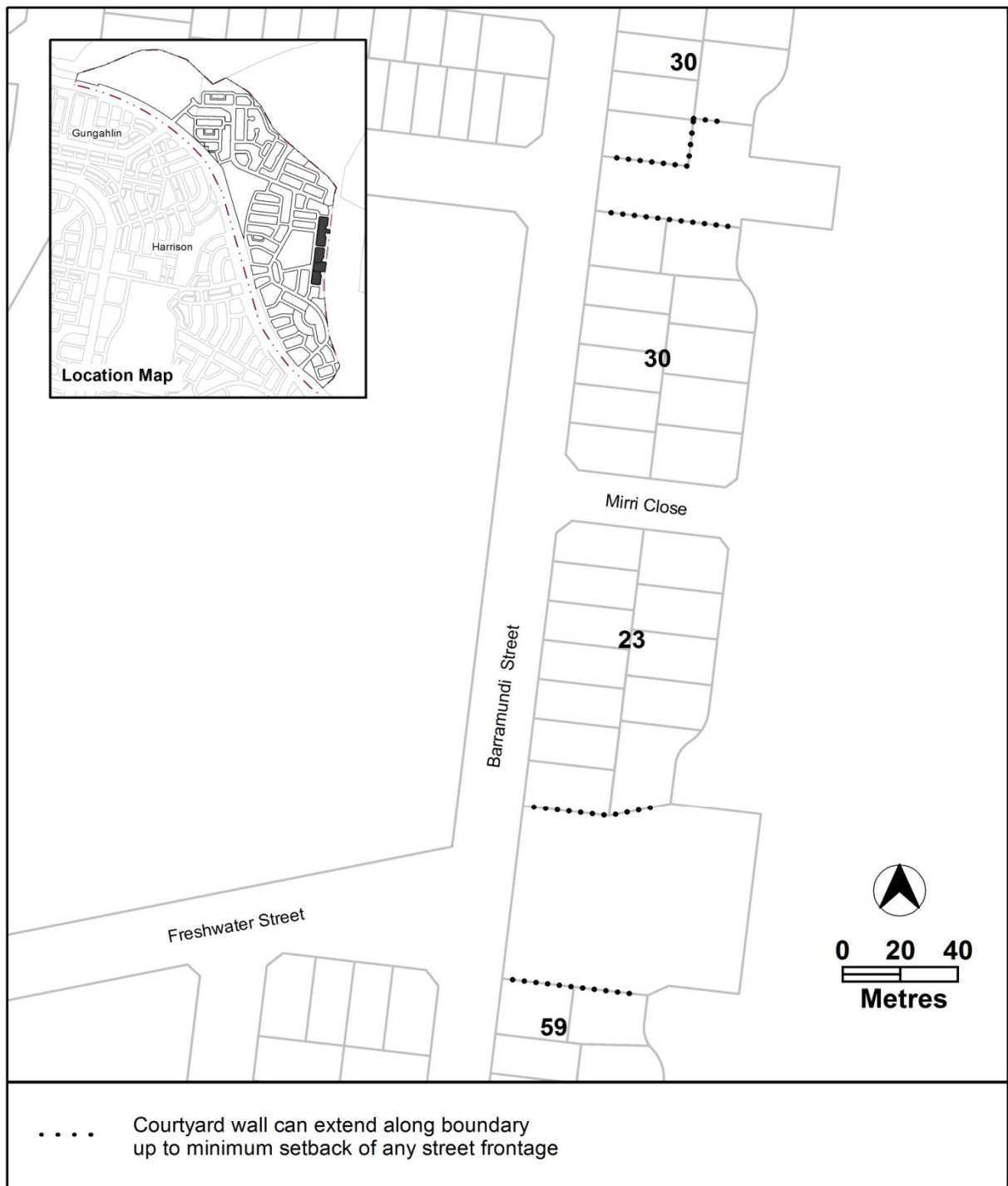
**Figure 1 Throsby residential area 1**



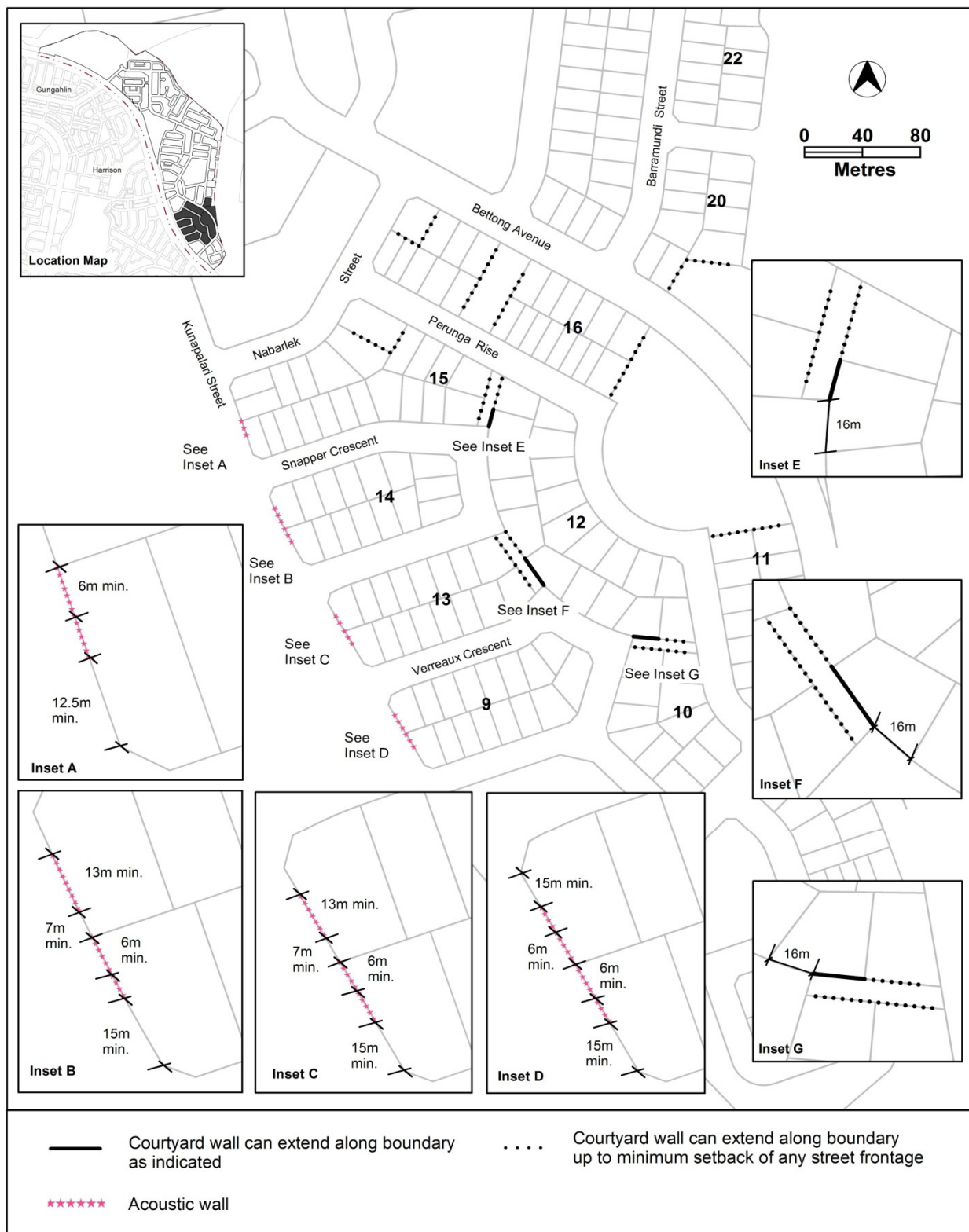
**Figure 2 Throsby residential area 2**



**Figure 3 Throsby residential area 3**



**Figure 4 Throsby residential area 4**



**Figure 5 Throsby residential area 5**



## RC3 – Mixed use commercial

This part applies to blocks and parcels identified in area RC3 shown on the Throsby Precinct Map.

### Element 1: Use

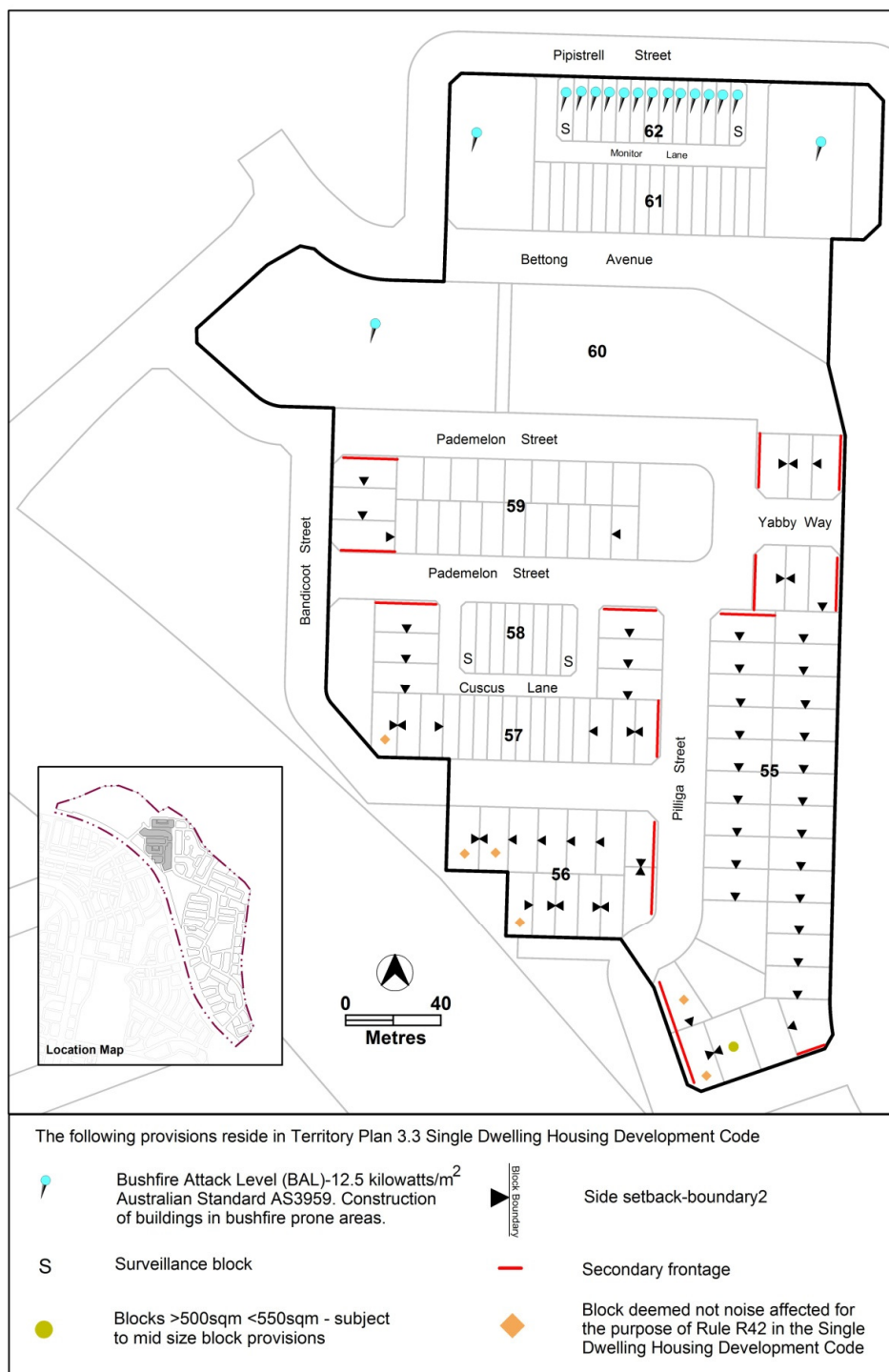
Rules	Criteria
<b>1.1 Restrictions on use</b>	
<p>R9</p> <p>One or more of the following uses are not permitted above the ground floor:</p> <ul style="list-style-type: none"> <li>a) <i>COMMUNITY USE</i></li> <li>b) <i>craft workshop</i></li> <li>c) <i>indoor entertainment facility</i></li> <li>d) <i>indoor recreation facility</i></li> <li>e) <i>NON RETAIL COMMERCIAL USE</i></li> <li>f) <i>restaurant</i></li> <li>g) <i>SHOP</i></li> </ul>	<p>C9</p> <p>Noise generating uses are located to minimise impacts on residential or commercial accommodation.</p>
<b>1.2 Gross floor area</b>	
<p>R10</p> <p>Where development includes one or more of the following:</p> <ul style="list-style-type: none"> <li>a) <i>COMMUNITY USE</i></li> <li>b) <i>craft workshop</i></li> <li>c) <i>indoor entertainment facility</i></li> <li>d) <i>indoor recreation facility</i></li> <li>e) <i>NON RETAIL COMMERCIAL USE</i></li> <li>f) <i>restaurant</i></li> <li>g) <i>SHOP</i></li> </ul> <p>the maximum <i>gross floor area</i> per establishment or tenancy is 200m<sup>2</sup>.</p>	<p>C10</p> <p>The scale of leisure, recreation, community and commercial activities included with residential development achieves all of the following:</p> <ul style="list-style-type: none"> <li>a) ancillary to <i>RESIDENTIAL USE</i></li> <li>b) services the local residents only</li> </ul>
<b>1.3 Number of storeys</b>	
<p>R11</p> <p>The maximum number of <i>storeys</i> is 3.</p>	<p>C11</p> <p>Buildings achieve all of the following:</p> <ul style="list-style-type: none"> <li>a) compatibility with the desired character</li> <li>b) reasonable solar access to <i>dwellings</i> on adjoining <i>residential blocks</i> and their associated <i>private open space</i></li> </ul> <p>The maximum number of <i>storeys</i> is 4.</p>

## Other ongoing provisions

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

### OP1 – Throsby residential area

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



**Figure 6 Throsby residential area ongoing provisions**



## OP2 – Throsby residential area

This part applies to blocks and parcels identified in area OP2 shown on the Throsby Precinct Map.

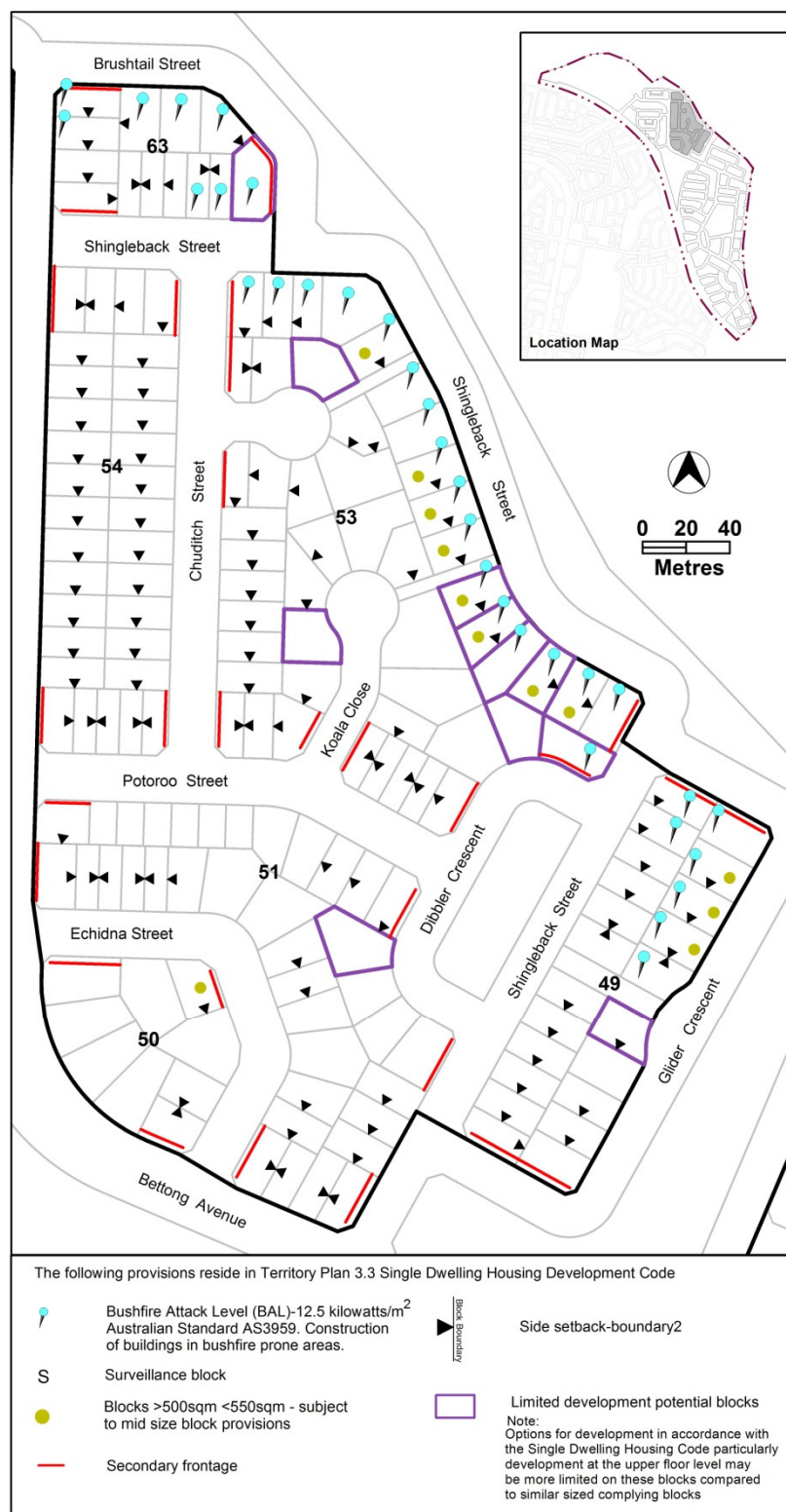


Figure 7 Throsby residential area ongoing provisions

## OP3 – Throsby residential area

This part applies to blocks and parcels identified in area OP3 shown on the Throsby Precinct Map.

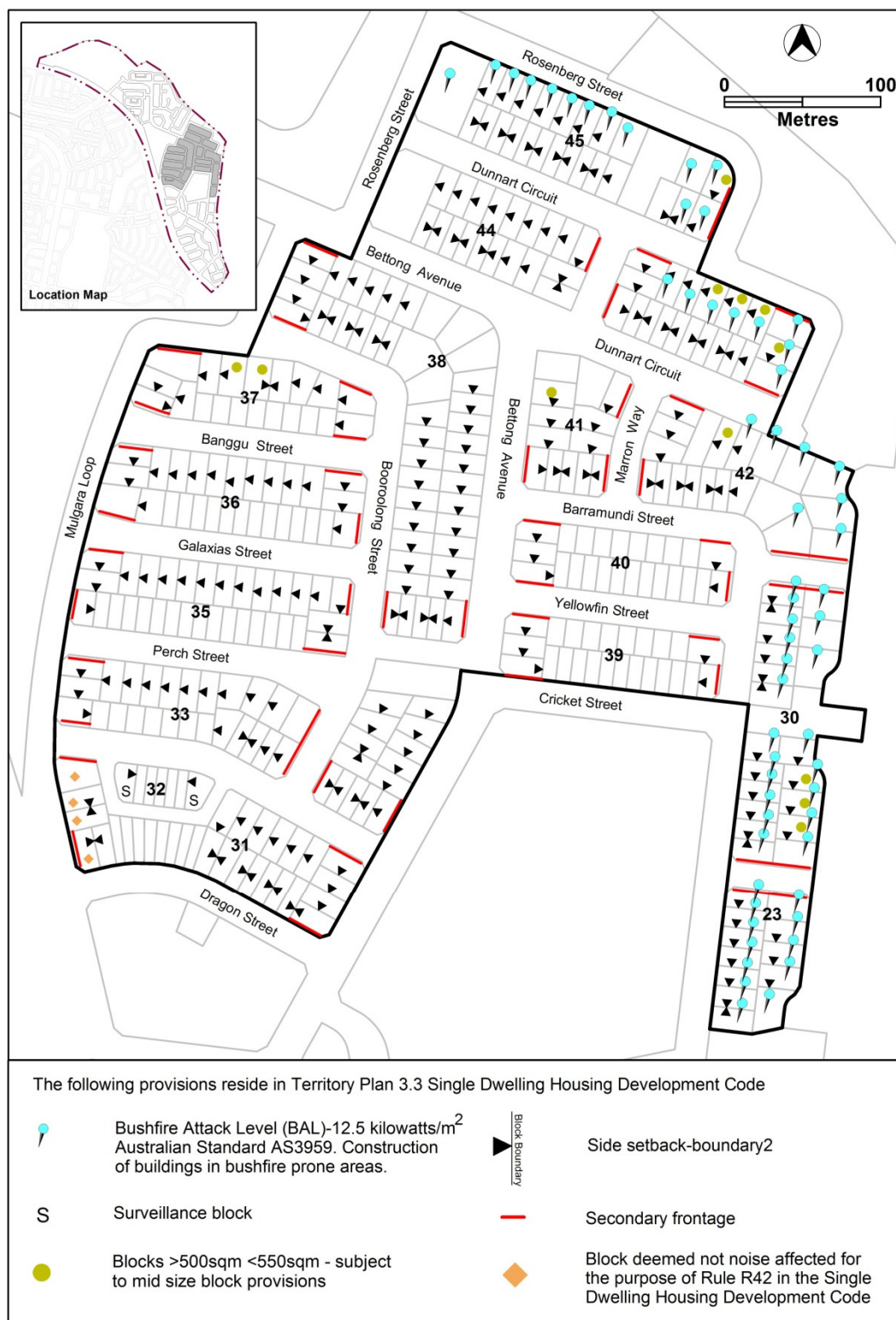
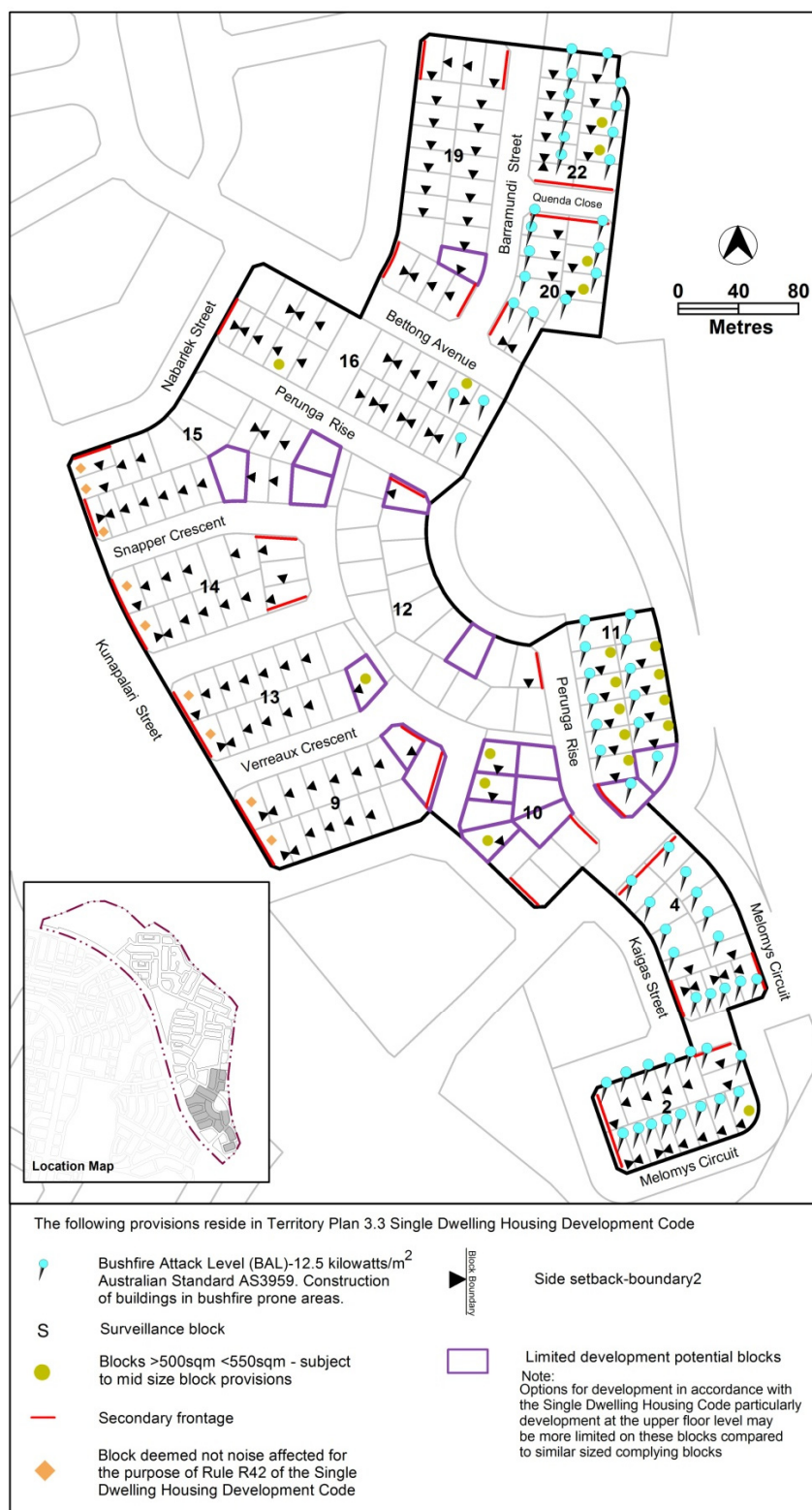


Figure 8 Throsby residential area ongoing provisions

## OP4 – Throsby residential area

This part applies to blocks and parcels identified in area OP4 shown on the Throsby Precinct Map.



**Figure 9 Throsby residential area ongoing provisions**

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