# Planning and Development (Technical Amendment—Strathnairn) Plan Variation 2020 (No 1)

Notifiable instrument NI2020—470

**Technical Amendment No 2020-02** 

made under the

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

#### 1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Strathnairn) Plan Variation 2020 (No 1).* 

#### 2 Commencement

This instrument commences on the day after its notification day.

#### 3 Technical amendment

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

#### 4 Meaning of Strathnairn plan variation

In this instrument:

*Strathnairn plan variation* means the technical amendment to the Territory Plan, variation 2020-02, in the schedule.

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

Lesley Cameron
Delegate of the planning and land authority
29 July 2020

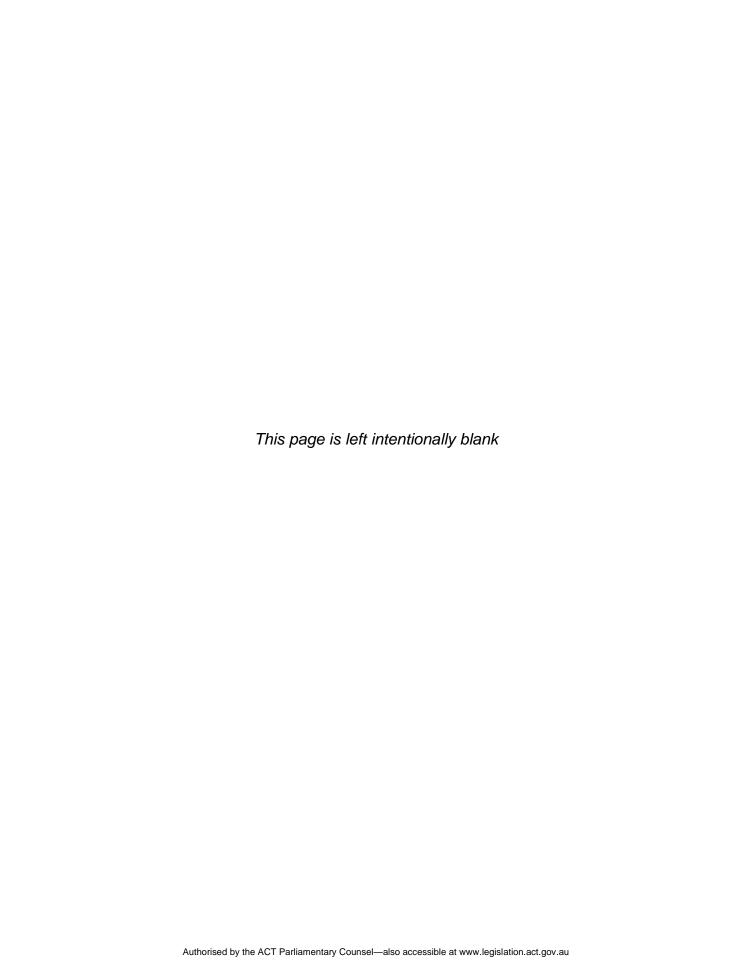


#### Planning & Development Act 2007

# Technical Amendment to the Territory Plan Variation 2020-02

Future urban area variation and changes to the Strathnairn Precinct Map and Code

July 2020



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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 area overlay from land in the Division of Strathnairn, as identified in Part 2 of this document.

Strathnairn Precinct Map and Code

 The Strathnairn Precinct Map and Code is amended to include ongoing provisions, as described in Part 2 of this document.

#### 1.2 Public consultation

Under section 87(1)(c) 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 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 section90A (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)(q);
  - (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.

TA2020-02 has been prepared in accordance with section 87(1)(c).

#### 2. EXPLANATION

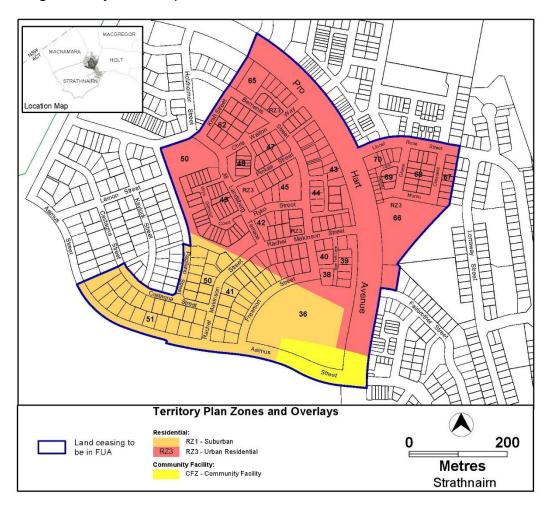
This part of the technical amendment document explains the changes to be made to the Territory Plan.

#### 2.1 Territory Plan Map

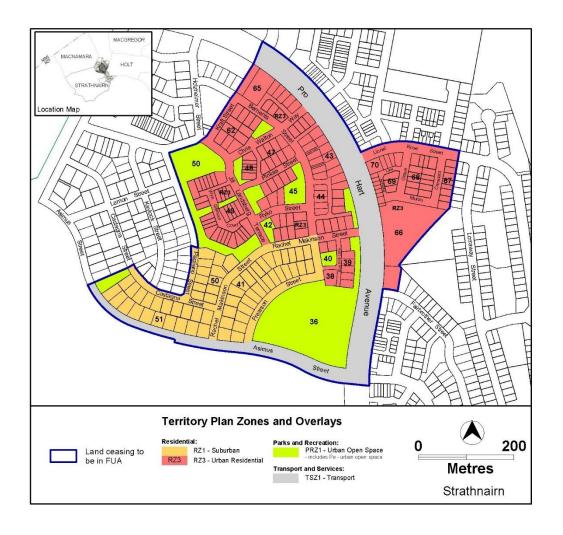
#### Variation to the Territory Plan

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



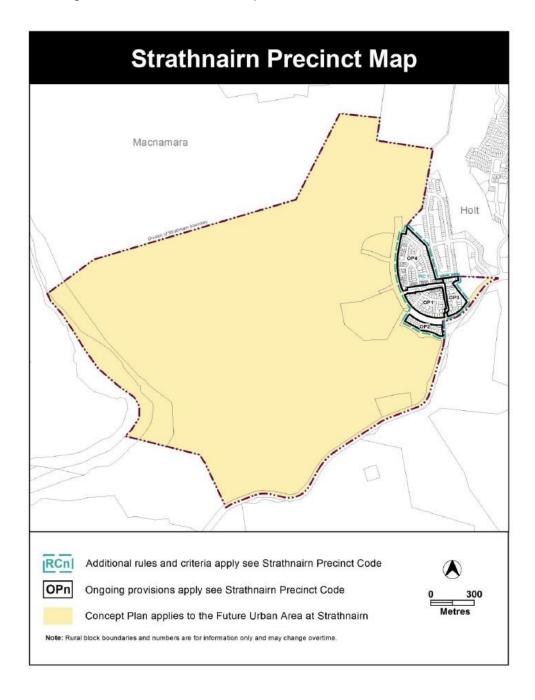
#### 2.2 Strathnairn Precinct Map and Code

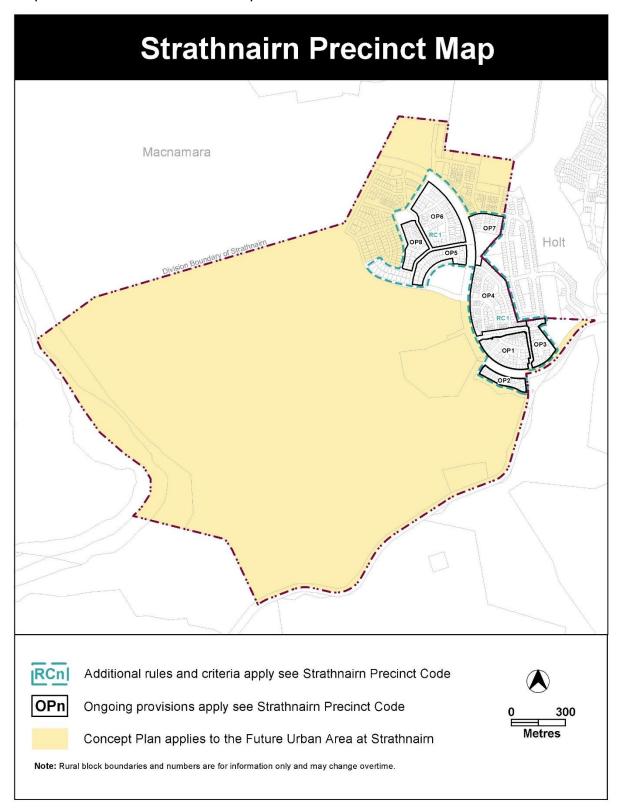
#### Variation to the Strathnairn Precinct Map and Code

The Strathnairn Precinct Map and Code is varied to incorporate rules and criteria and ongoing block specific provisions that are consistent with the approved estate development plan.

#### 2.2.2 Strathnairn Precinct Map

**Existing Strathnairn Precinct Map** 





#### 2.2.2 Strathnairn Precinct Code

This technical amendment inserts and amends additional rules and criteria, ongoing provisions, and related figures (2, 4, 13,14, 15, 16, 17, 18, 19, 24, 25, 26 and 27) into the Strathnairn Precinct Code in Appendix A, for areas where the future urban area overlay is being removed (see 3.1 Territory Plan Map below).

The following provisions are to be added:

#### **Assessment Tracks**

#### RC1 - Residential area

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

#### **Element 1: Building and site controls**

Rules		Criteria		
1.4 Principal	Private Open Space			
R5				
	es to blocks or parcels in locations gures 5, 10, 11,12, 13 and 16.	This is a mandatory requirement. There is no applicable criterion.		
	dimensions or area of <i>principal</i> pace are nominated.			
	ea of <i>principal private open space</i> omplies with all of the following:			
, ,	ccessible from, and adjacent to, a room other than a bedroom			
b) screened public ope	from adjoining public streets and en space			
· ·	ehind the building line, except where by a courtyard wall			
south-wes not less the 50% of the space are	ated to the south, south-east or st of the dwelling, unless it achieves han 3 hours of direct sunlight onto e minimum principal private open as between the hours of 9am and he winter solstice (21 June).			
	ted at Upper Floor Level <i>principle</i> pace also complies with the			
i) not le	ss than 12m².			

#### 1.5 Solar Building Envelope

#### R6

This rule applies to blocks or parcels in locations identified in Figures 13, 14, 15 and 17.

Nominated blocks are exempt from solar building provisions in Rule and Criteria 26 of the Multi Unit Housing Development Code.

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

#### 1.7 Gates

#### R9

This rule applies to blocks or parcels in locations identified in Figures 13, 14, 15 and 17.

Location of gate, street address and letterbox are nominated.

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

#### 1.8 Fencing

#### R11

This rule applies to blocks or parcels in locations identified in Figure 4 only where courtyard walls and fences are forward of the building line.

Materials are to be a combination of solid and semi-transparent elements as follows:

- Masonry, stonework or a combination of raised garden beds of minimum of 400mm high with hedging
- If over 600mm in height to include infill panels that are semi-transparent using materials such as dressed hardwood timber or powder coated aluminium slats (openings to be minimum 10mm)

The following materials/ fencing are not permitted:

- Paling fence
- Chain mesh fencing
- Colorbond fence
- Untreated timber slat fencing
- Timber sleepers
- Brush fencing

Fences are to be constructed in accordance with Table 2.

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

#### 2.1 Water tank requirements

#### R15

This rule applies to block or parcels in locations identified in Figures 13, 14 and 16.

Rain water tanks must be installed in accordance with R43 of the Single Dwelling Housing Code.

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

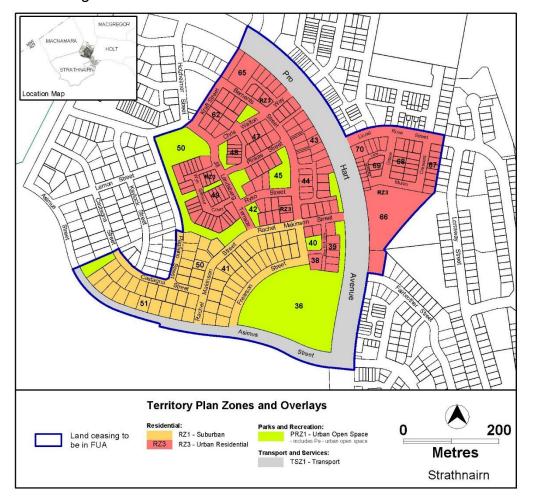
#### 3. TECHNICAL AMENDMENT

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 that apply to the land ceasing to be in a future urban area.



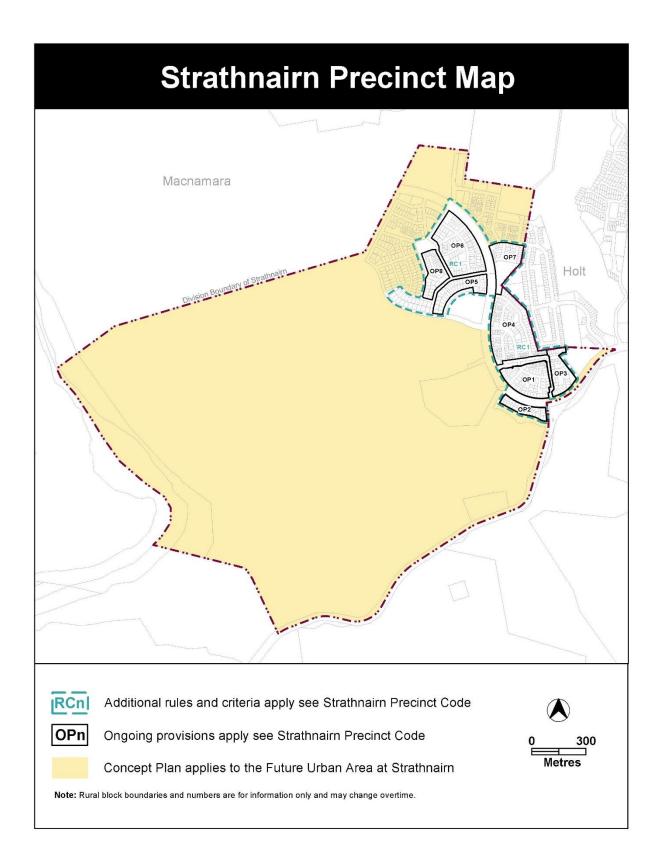
# 3.2 Strathnairn Precinct Map and Code

#### 2. Strathnairn Precinct Map and Code

Substitute with Appendix A



# Strathnairn Precinct Map and Code



# **Strathnairn Precinct Code**

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# Introduction

#### Name

The name of this code is Strathnairn Precinct Code.

#### **Application**

The code applies to the Division of Strathnairn.

#### **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" is found where a criterion only is applicable.

#### **Code hierarchy**

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

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

#### **Definitions**

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

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

#### **Acronyms**

EPA **ACT Environment Protection Authority** 

ESA **ACT Emergency Services Agency** 

ACT Environment, Environment, Planning and Sustainable **EPSDD** 

**Development Directorate** 

NCA **National Capital Authority** 

Planning and Development Act 2007 P&D Act **TCCS** 

Transport Canberra and City Services

# Additional rules and criteria

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

# RC1 - Residential area

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

#### Element 1: Building and site controls

Rules	Criteria
1.1 Setbacks	
R1	This is a man data was suring a safe Thomas is an
This rule applies to blocks or parcels in locations identified in Figures 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19.	This is a mandatory requirement. There is no applicable criterion.
Minimum boundary setbacks to lower floor level and/ or upper floor level are nominated.	
R2	
This rule applies to blocks or parcels in locations identified in Figures 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 18	This is a mandatory requirement. There is no applicable criterion.
Minimum setback to garage/ carport/ surveillance unit is nominated.	
1.2 Heights	
R3	
This rule applies to blocks or parcels in locations identified in Figures 5, 6, 7, 8, 9, 10 and 11.	This is a mandatory requirement. There is no applicable criterion.
The mandatory number of storeys is nominated.	
1.3 Walls	
R4	
This rule applies to blocks or parcels in locations identified in Figures 5, 8, 10, 11, 12, 13, 14, 15, 16, 17, and 18.	This is a mandatory requirement. There is no applicable criterion.
Maximum length of wall at nominated setback cannot exceed nominated length.	

#### Rules Criteria **Principal Private Open Space** R5 This rule applies to blocks or parcels in locations This is a mandatory requirement. There is no identified in Figures 5, 10, 11,12, 13 and 16. applicable criterion. The minimum dimensions or area of *principal* private open space are nominated. At least one area of principal private open space on the block complies with all of the following: directly accessible from, and adjacent to, a a) habitable room other than a bedroom screened from adjoining public streets and public open space located behind the building line, except where enclosed by a courtyard wall d) is not located to the south, south-east or south-west of the dwelling, unless it achieves not less than 3 hours of direct sunlight onto 50% of the minimum principal private open space area between the hours of 9am and 3pm on the winter solstice (21 June). Where nominated at Upper Floor Level principle private open space also complies with the following: i) not less than 12m2. 1.5 Solar Building Envelope R6 This rule applies to blocks or parcels in locations This is a mandatory requirement. There is no identified in Figures 13, 14, 15 and 17. applicable criterion. Nominated blocks are exempt from solar building provisions in Rule and Criteria 26 of the Multi Unit Housing Development Code. 1.6 Parking R7 This rule applies to blocks or parcels in locations This is a mandatory requirement. There is no identified in Figures 5, 6, 10, 12, and 13. applicable criterion.

One onsite parking space only is required.

Rules	Criteria		
1.7 Gates			
R8			
This rule applies to blocks or parcels in locations identified in Figures 5, 6, 8, 9 and 11.	This is a mandatory requirement. There is no applicable criterion.		
Access gate to open space is required.			
R9			
This rule applies to blocks or parcels in locations identified in Figures 13, 14, 15 and 17.  Location of gate, street address and letterbox	This is a mandatory requirement. There is no applicable criterion.		
are nominated.			
1.8 Fencing			
R10			
This rule applies to blocks or parcels in locations identified in Figure 3 only where courtyard walls and fences are forward of the building line.	This is a mandatory requirement. There is no applicable criterion.		
Materials are to be a combination of solid and semi-transparent elements as follows:			
Masonry or stonework			
If over 600mm in height to include infill panels that are semi-transparent using materials such as dressed hardwood timber or powder coated aluminium slats (openings to be minimum 10mm)			
The following materials/ fencing are not			
permitted:			
Paling fence			
Chain mesh fencing			
Colorbond fence			
Untreated timber slat fencing			
Timber sleepers			
Brush fencing			
Fences are to be constructed in accordance with Table 1.			
R11			
This rule applies to blocks or parcels in locations identified in Figure 4 only where courtyard walls and fences are forward of the building line.	This is a mandatory requirement. There is no applicable criterion.		

Rules	Criteria
Materials are to be a combination of solid and semi-transparent elements as follows:	
Masonry, stonework or a combination of raised garden beds of minimum of 400mm high with hedging	
If over 600mm in height to include infill panels that are semi-transparent using materials such as dressed hardwood timber or powder coated aluminium slats (openings to be minimum 10mm)	
The following materials/ fencing are not permitted:	
Paling fence	
Chain mesh fencing	
Colorbond fence	
Untreated timber slat fencing	
Timber sleepers	
Brush fencing	
Fences are to be constructed in accordance with Table 2.	
1.9 Building envelope provisions	
R12	
Blocks identified as Integrated Development Parcels are exempt from Rule 7A of the Single Dwelling Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.
1.10 Side and Rear Setbacks	
R13	
This rule applies to all blocks.	This is a mandatory requirement. There is no
Unless otherwise nominated in this precinct code, the following side and rear setbacks apply in accordance with tables in the Single Dwelling Housing Development Code:	applicable criterion.
<ul> <li>a) Large blocks to comply with Table 5</li> <li>b) Mid-sized blocks to comply with Tables 6A or 6B, as applicable</li> <li>c) Mid-sized blocks nominated for alternative side setbacks nominated in this precinct code comply with Table 6c</li> </ul>	
d) Compact blocks to comply with Table 7	

ria

#### Element 2: Water sensitive urban design

Rules		Criteria		
2.1 Water tank requ	uirements			
R14				
Standard blocks are strequirements as follows:	subject to water tank size ws:	This is a mandatory requirement. There is no applicable criterion.		
Block Size (m²)	Mandatory minimum tank size (kL)			
0 ≤ 250	0			
> 250 - 350	2			
> 350 - 599	4			
> 599 - 800	8			
> 800	10			
Housing Code includi	of the Single Dwelling ing minimum roof capture d external connection			
R15				
identified in Figures 1 Rain water tanks mus		This is a mandatory requirement. There is no applicable criterion.		
. reading dodo.				

# **Element 3: Home business provisions**

Rules	Criteria		
3.1 Home business			
R16			
This rule applies to block 6 section 16.	This is a mandatory requirement. There is no		
No maximum number of home business.	applicable criterion.		

FENCING COURTYA	ON (refer to plan) CONTROL ONLY APPLES TO RD WALLS AND FENCES OF THE BUILDING LINE	MANDATORY	MINUMUM FRONT SETBACK	MAXIMUM HEIGHT	MAXIMUM HEIGHT FOR PPOS SCREEN	MAXIMUM HEIGHT OF SIDE FENCING TO FRONT OF FRONT BUILDING LINE	NOTE
	VILLAGE LINK/ GREEN LINK	YES	100% @ 0m	1.2m	1.5m	1.5m	
	VILLAGE LINK/ GREEN LINK	YES	100% @ 600mm	1.2m	1.5m	1.5m	PROVIDE PLANTING FORWARD OF THE COURTYARD WALL
	CENTRAL BOULEVARD	YES	50% @ 0m 50% @ 1m	1.2m	1.5m	1.5m	
	LANE WAYS	AS REQUIRED	100% @ 0m	1.8m	1.8m	NA	
	BLOCKS ADJACENT TO OPEN SPACE	AS REQUIRED	100% @ 0m	1.8m*	1.8m	NA	
	NORTH FACING BLOCKS	ONLY WHERE PPOS IS IDENTIFIED	50% @ 0m 50% @ 600mm	1.5m*	1.5m	1.5m	
CORNER BLOCKS (APPLIES TO ALL LARGE AND MID SIZE CORNER BLOCKS)		AS REQUIRED	50% @ 0m 50% @ 600mm	1.5m*	1.5m	1.5m	NO FENCING PERMITTED WITHIN 6m OF THE CORNER (REFER TO DIAGRAM BELOW)

<sup>\*</sup> Where located above a retaining wall, fencing to be setback a minimum of 600mm from the boundary. The maximum combined height of wall and fence is 2.2 metres from footpath level. Sufficient space between retaining wall and fence to provide planting.

Table 1 Fencing controls for Figure 3

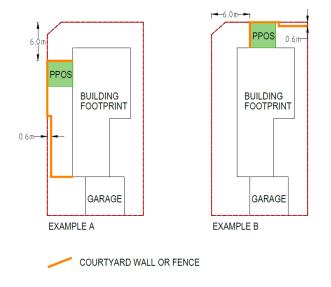


Figure 1 Fencing controls for mid-size / large corner blocks for Figure 3

LOCATION (refer to plan) FENCING CONTROL ONLY APPLES TO COURTYARD WALLS AND FENCES FORWARD OF THE BUILDING LINE		MANDATORY FENCING COURTYARD WALL	MINUMUM FRONT SETBACK	MAXIMUM HEIGHT	MAXIMUM HEIGHT FOR PPOS SCREEN	MAXIMUM HEIGHT OF SIDE FENCING TO FRONT OF FRONT BUILDING LINE	NOTE
	VILLAGE LINK BLOCKS = 12.5m WIDE</th <th>YES</th> <th>100% @ 0m</th> <th>1.2m*</th> <th>1.5m</th> <th>1.5m</th> <th></th>	YES	100% @ 0m	1.2m*	1.5m	1.5m	
	VILLAGE LINK BLOCKS > 12.5m WIDE	YES	50% @ 0m 50% @ 800mm	1.2m*	1.5m	1.5m	PROVIDE PLANTING FORWARD OF THE COURTYARD WALL
	CENTRAL BOULEVARD	YES	50% @ 0m 50% @ 1m	1.2m*	1.5m	1.5m	
	LANE WAYS	NO	100% @ 0m	1.8m	1.8m	NA	
	BLOCKS ADJACENT TO OPEN SPACE	NO	100% @ 0m	1.8m*	1.8m	NA	
NORTH FACING BLOCKS		NO	50% @ 0m 50% @ 800mm	1.5m*	1.5m	1.5m	
CORNER BLOCKS		NO	50% @ 0m 50% @ 800mm	1.5m*	1.5m	1.5m	NO FENCING PERMITTED WITHIN 6m OF THE CORNER (REFER TO DIAGRAM BELOW)

Where utility service infrastructure is required in front of any walls, such as Water Meters, Mini Pillars, Sewer and any other required service, walls may contain recesses to a maximum of 1.8m length and 0.8m depth or as agreed by the service provider.

Where blocks are subjected to two boundaries fronting a laneway as shown in Example C, a courtyard wall or fence treatment may be installed along laneway frontages on the boundary.

Where located above a retaining wall, fencing to be setback a minimum of 600mm from the boundary, providing sufficient space for planting. The maximum combined height of wall and fence is 2.2 metres from footpath level.

Side boundary fences may be of Timber Paling (hardwood lapped and capped) or Sheet Metal

#### Table 2 Fencing controls for Figure 4

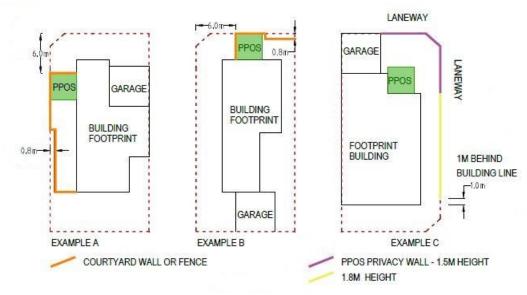


Figure 2 Fencing controls for mid-size / large corner blocks for Figure 4

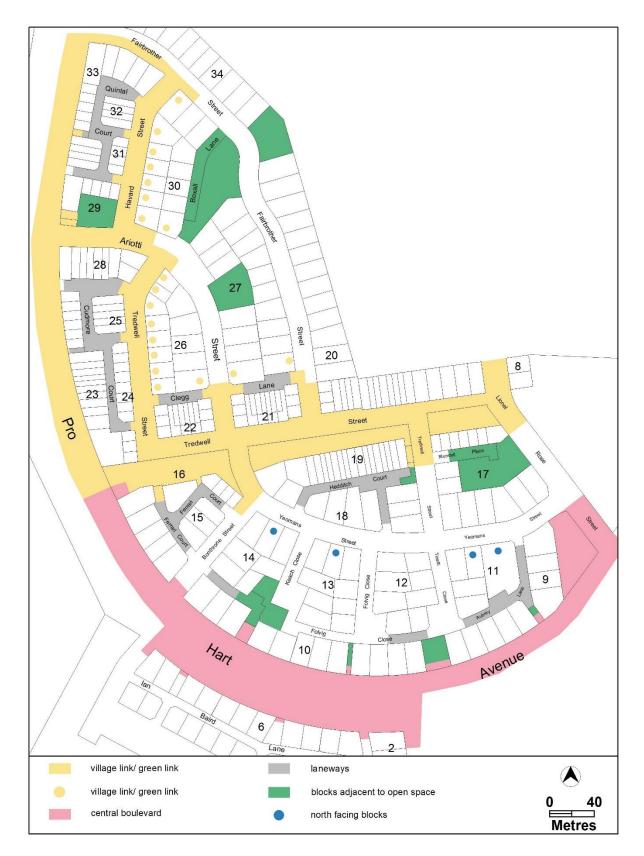


Figure 3 Strathnairn fencing controls

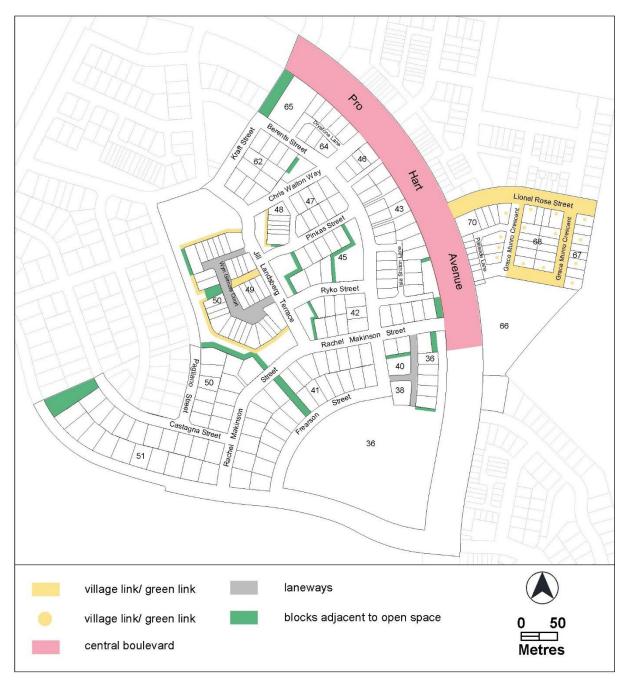


Figure 4 Strathnairn fencing controls

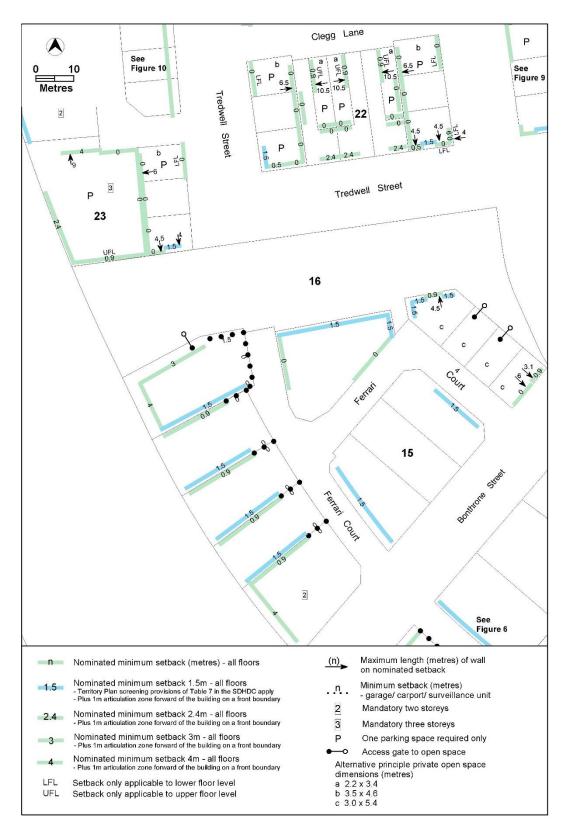


Figure 5 Strathnairn residential area 1

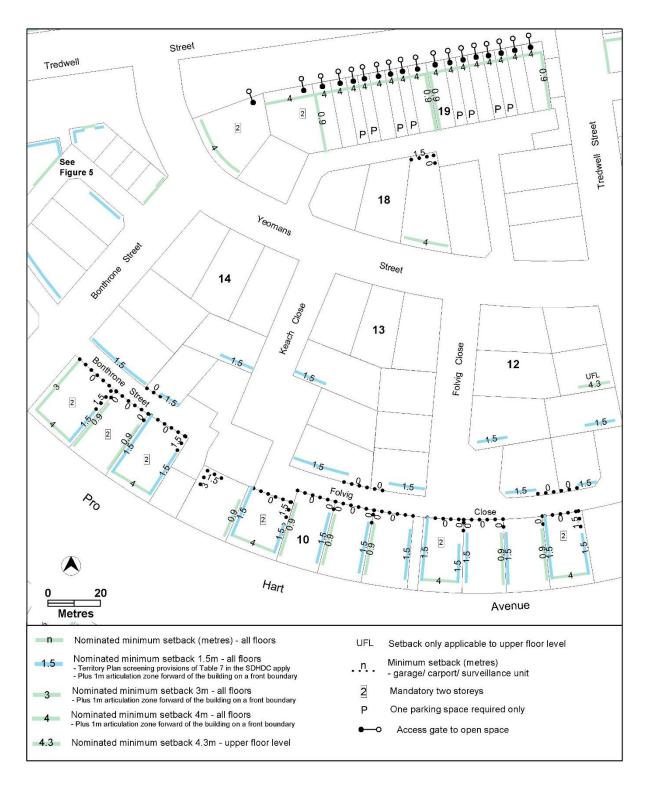


Figure 6 Strathnairn residential area 2

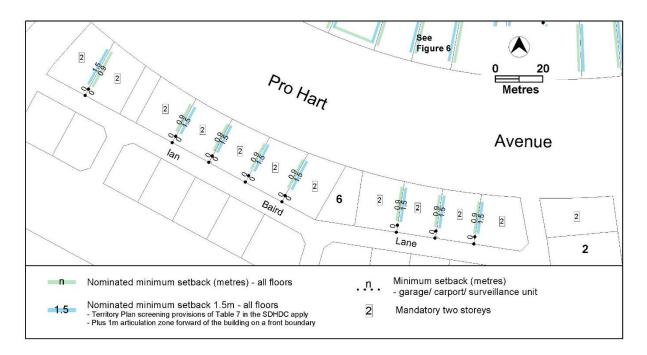


Figure 7 Strathnairn residential area 3

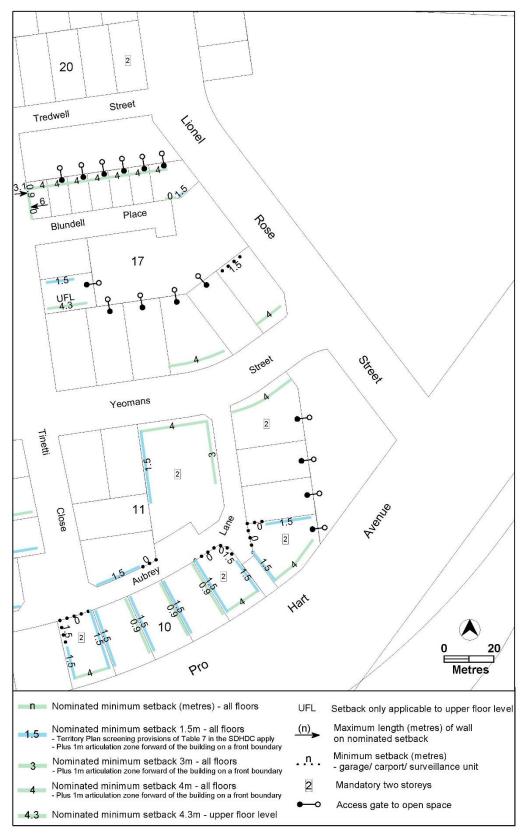


Figure 8 Strathnairn residential area 4



Figure 9 Strathnairn residential area 5

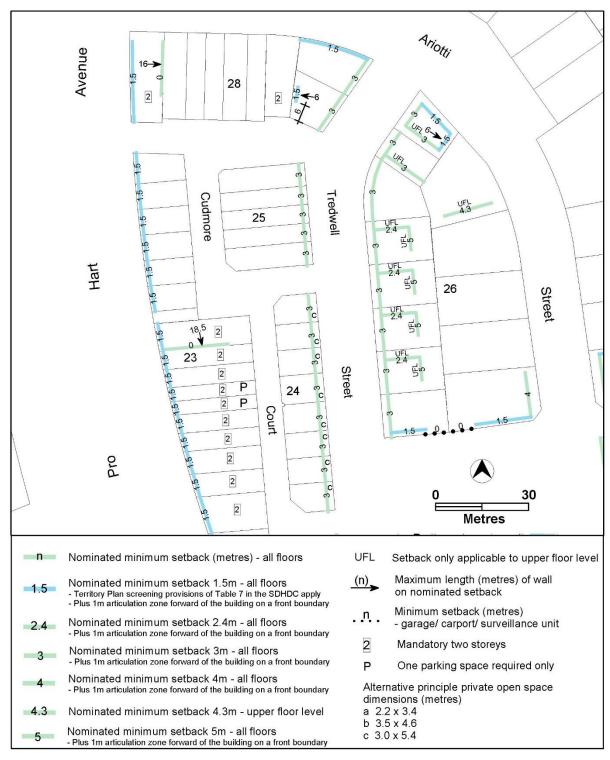


Figure 10 Strathnairn residential area 6

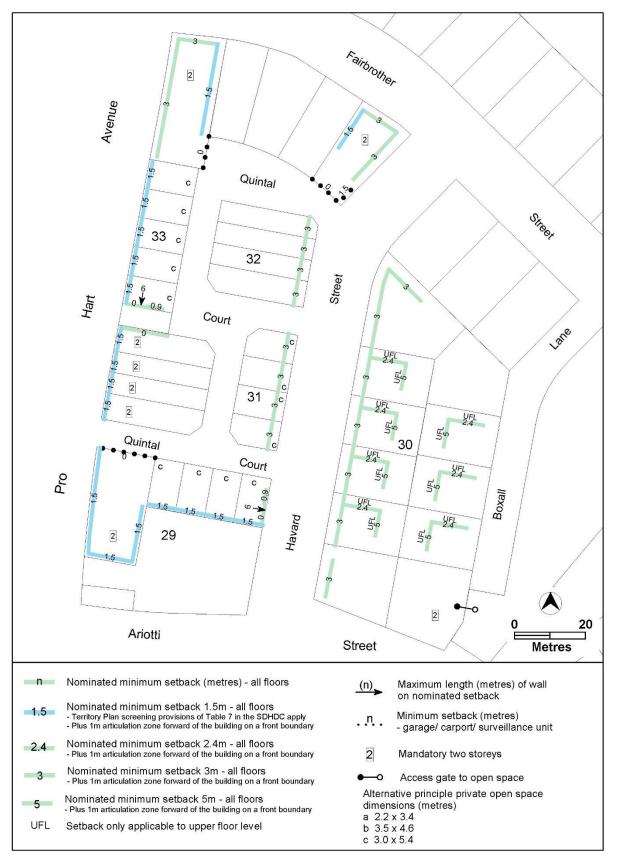


Figure 11 Strathnairn residential area 7



Figure 12 Strathnairn residential area 8

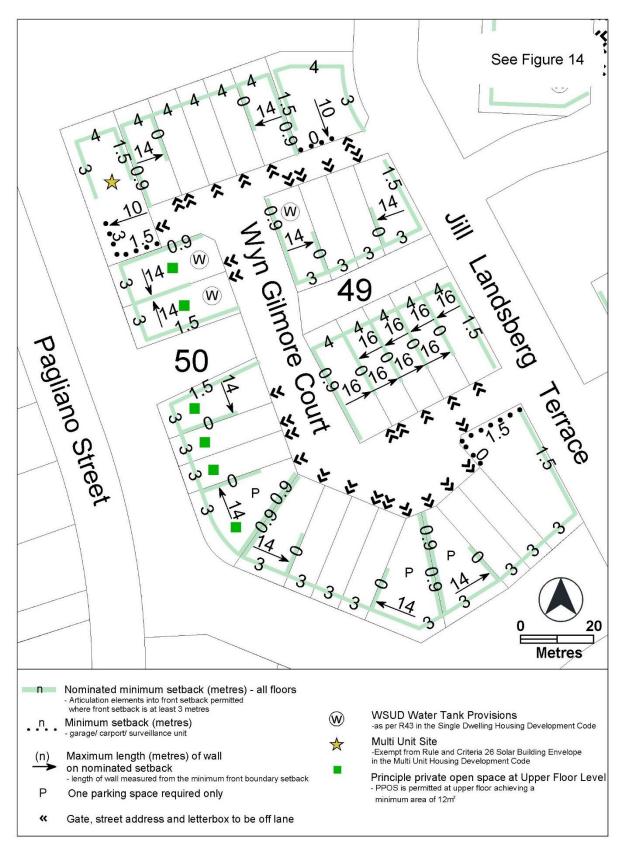


Figure 13 Strathnairn residential area 9

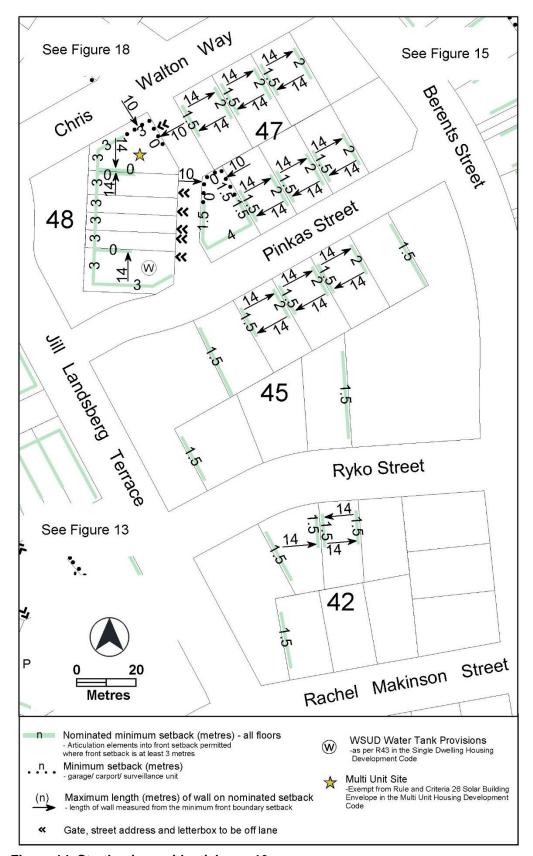


Figure 14 Strathnairn residential area 10

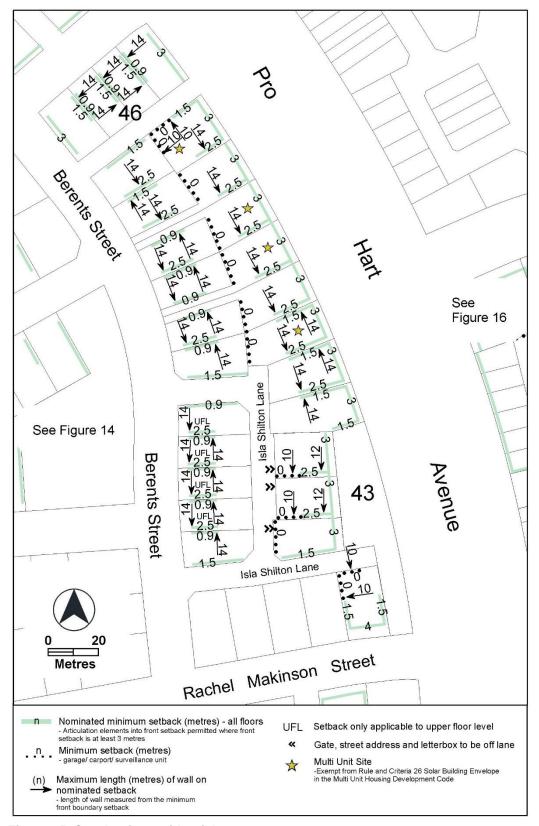


Figure 15 Strathnairn residential area 11

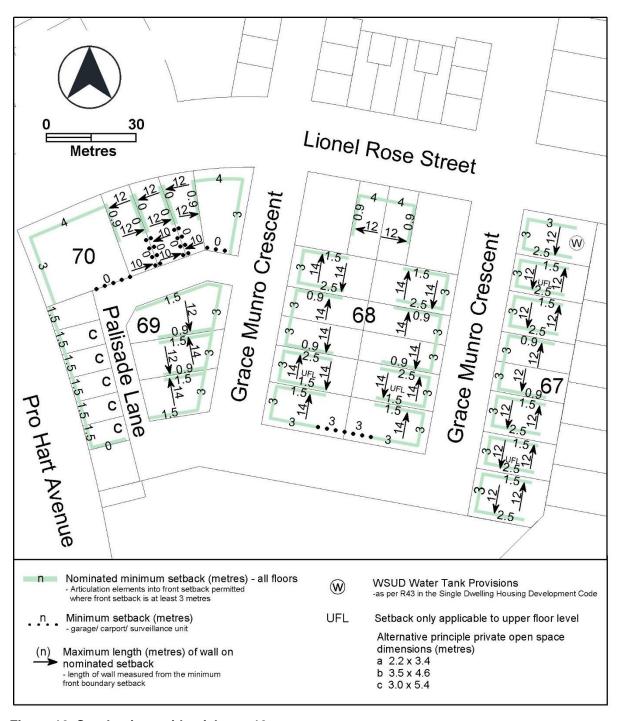


Figure 16 Strathnairn residential area 12

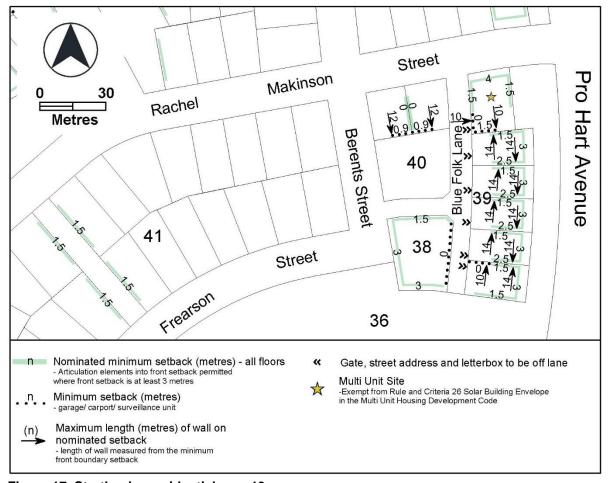


Figure 17 Strathnairn residential area 13

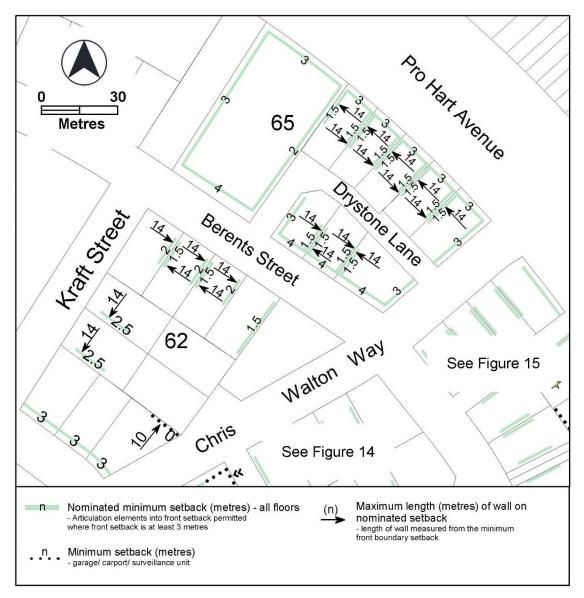


Figure 18 Strathnairn residential area 14

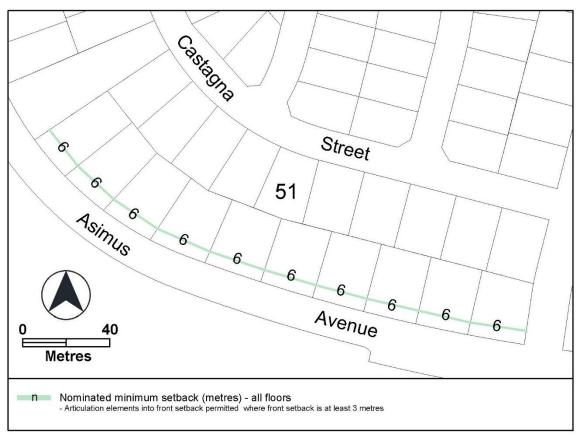


Figure 19 Strathnairn residential area 15

# Other ongoing provisions

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

### **OP1 – Strathnairn residential area**

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

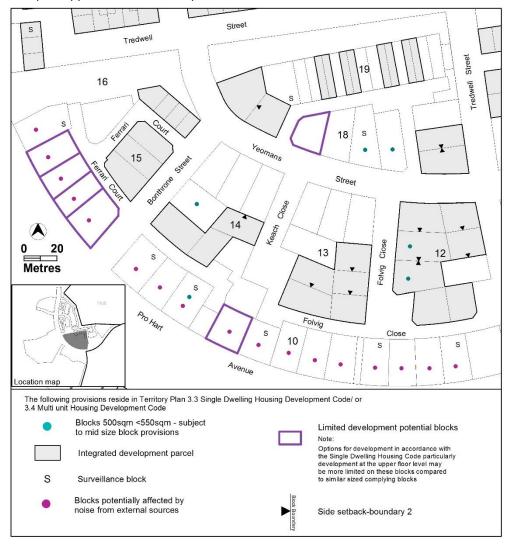


Figure 20 Strathnairn residential area ongoing provisions

#### **OP2 – Strathnairn residential area**

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

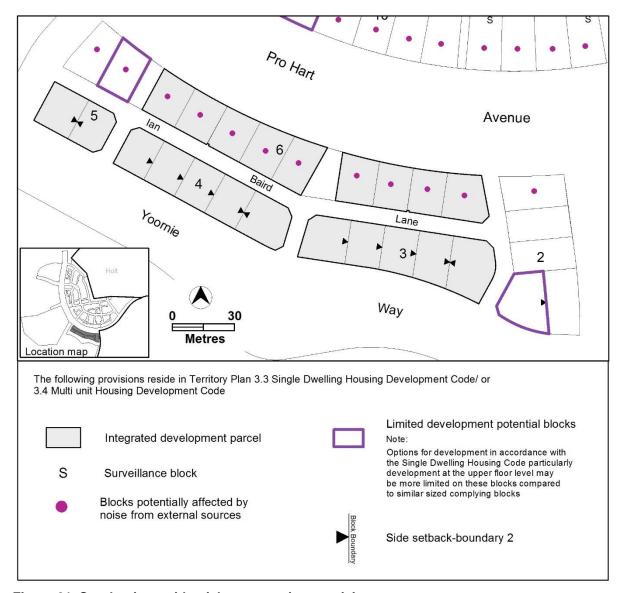


Figure 21 Strathnairn residential area ongoing provisions

## **OP3 – Strathnairn residential area**

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

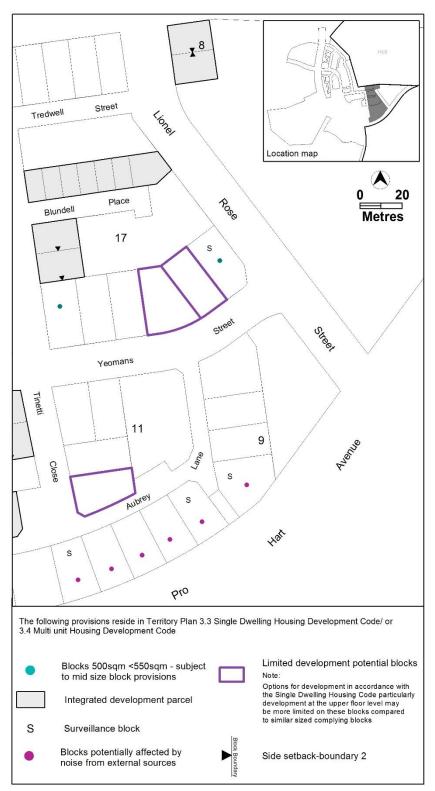


Figure 22 Strathnairn residential area ongoing provisions

#### **OP4 – Strathnairn residential area**

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



Figure 23 Strathnairn residential area ongoing provisions

## **OP5 – Strathnairn residential area**

This part applies to blocks and parcels identified in area OP5 shown on the Strathnairn Precinct Map.

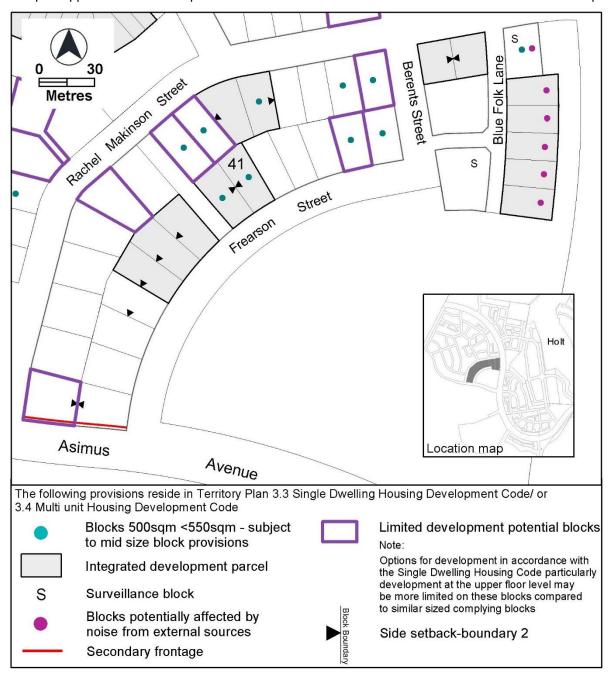


Figure 24 Strathnairn residential area ongoing provisions

#### **OP6 – Strathnairn residential area**

This part applies to blocks and parcels identified in area OP6 shown on the Strathnairn Precinct Map.

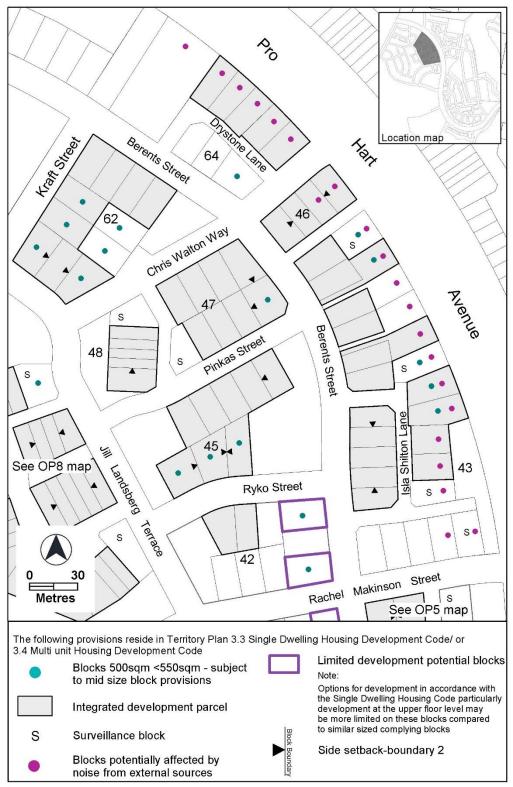


Figure 25 Strathnairn residential area ongoing provisions

#### **OP7 – Strathnairn residential area**

This part applies to blocks and parcels identified in area OP7 shown on the Strathnairn Precinct Map.

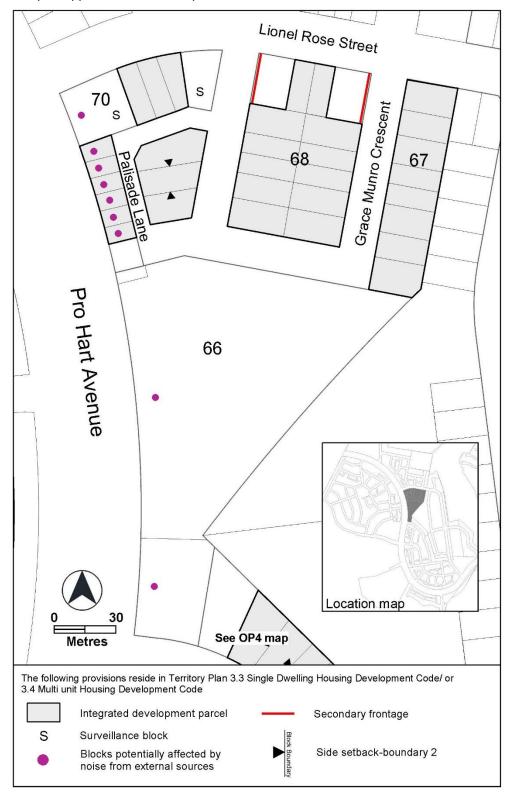


Figure 26 Strathnairn residential area ongoing provisions

#### **OP8 – Strathnairn residential area**

This part applies to blocks and parcels identified in area OP8 shown on the Strathnairn Precinct Map.

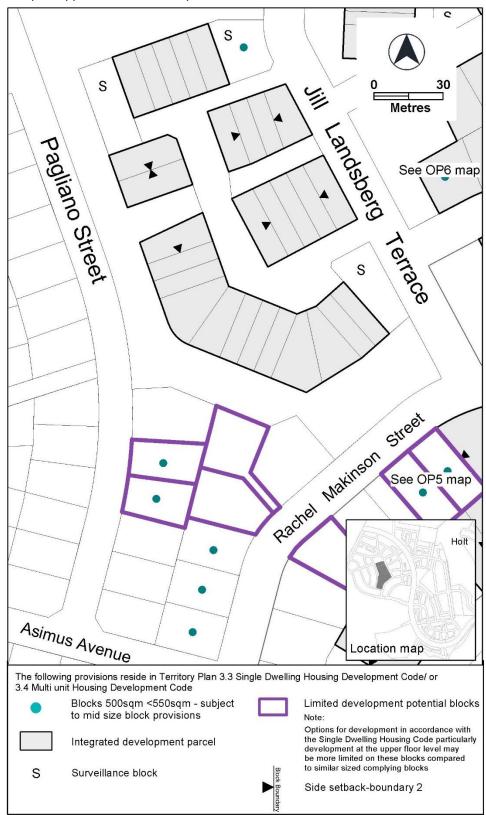


Figure 27 Strathnairn residential area ongoing provisions