Planning and Development (Technical Amendment—Strathnairn) Plan Variation 2021 (No 2)

Notifiable instrument NI2021—471

Technical Amendment No 2021-10

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 2021 (No 2).*

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 Dictionary

In this instrument:

Strathnairn plan variation means the technical amendment to the Territory Plan, variation 2021-10, in the schedule.

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

Dr Erin Brady Delegate of the planning and land authority 4 August 2021



Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2021-10

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

August 2021

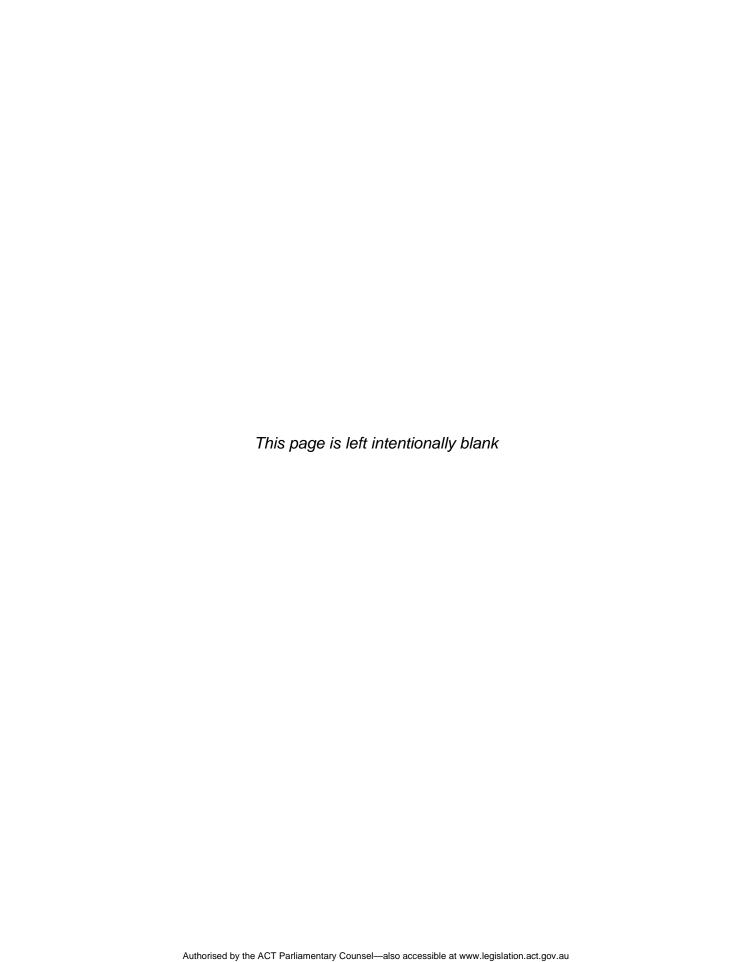


Table of Contents

1. INTRODUCTION	ON	4
1.1 Purpose		4
1.2 Public consul	ltation	4
1.3 National Capi	ital Authority	4
1.4 Process		4
1.5 Types of tech	nnical amendments under the Act	5
2. EXPLANATIO	N	6
2.1 Territory Plan	n Map	6
2.2 Strathnairn Pi	recinct Map and Code	8
3. TECHNICAL A	AMENDMENT	11
3.1 Territory Plan	n Map	11
3.2 Strathnairn Pi	recinct Map and Code	12

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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)(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.

TA2021-10 has been prepared in accordance with section 87(1)(c) of the Act.

2. EXPLANATION

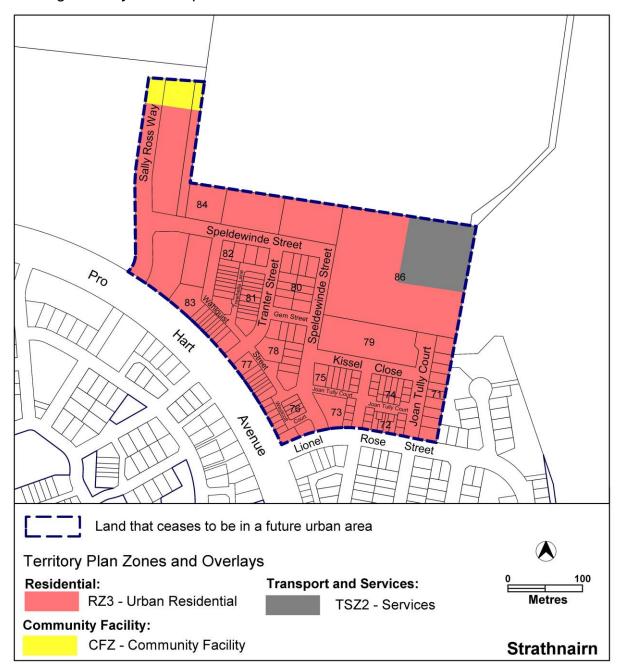
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

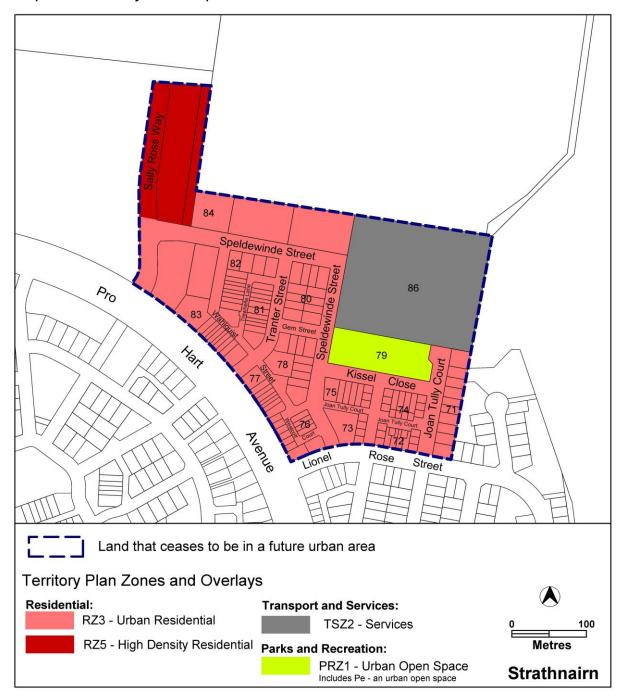
Variation to the Territory Plan

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



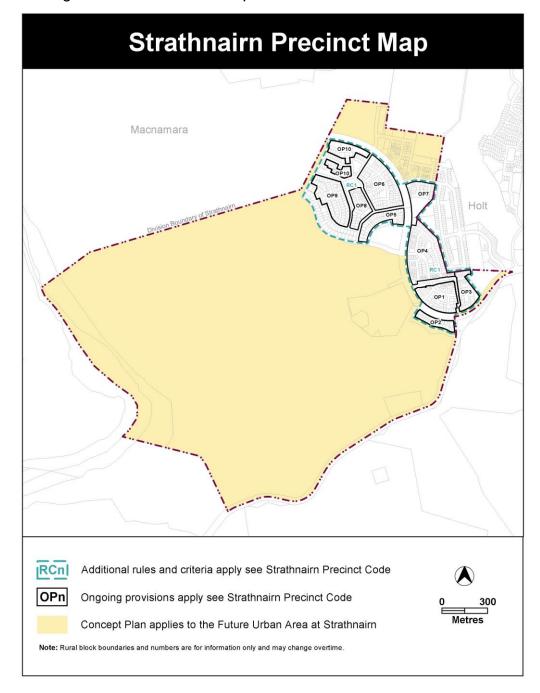
2.2 Strathnairn Precinct Map and Code

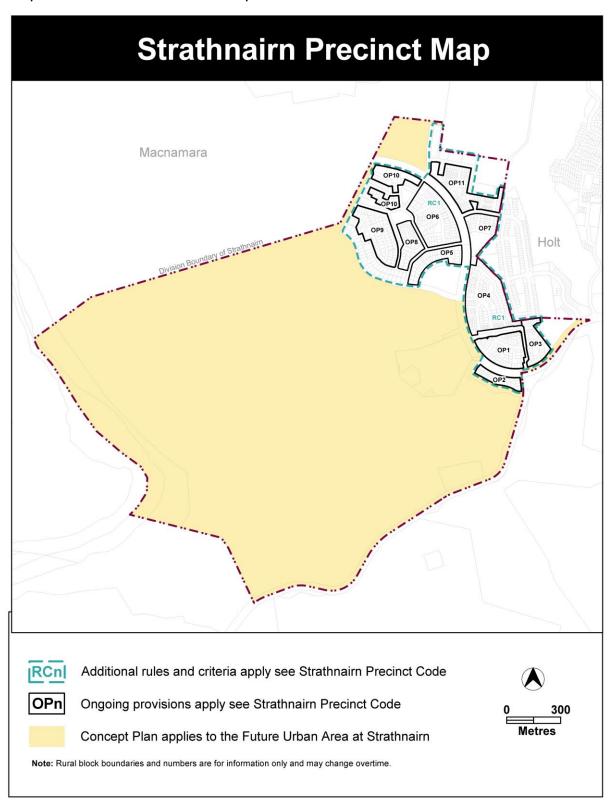
Variation to the Strathnairn Precinct Map and Code

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.

2.2.1 Strathnairn Precinct Map

Existing Strathnairn Precinct Map





2.2.2 Strathnairn Precinct Code

This technical amendment inserts new figures 22, 23, 24 (existing figures 22 to 31 are renumbered accordingly) and 35 and amends figure 4. It inserts new rules 13, 14, 15 and 16 (existing rules 13, 14 and 15 are renumbered accordingly) and amends rules and criteria in relation to references to figures (22, 23 and 24) in the Strathnairn Precinct Map and Code in Appendix A, for areas where the future urban area overlay is being removed (see 3.1 Territory Plan Map below).

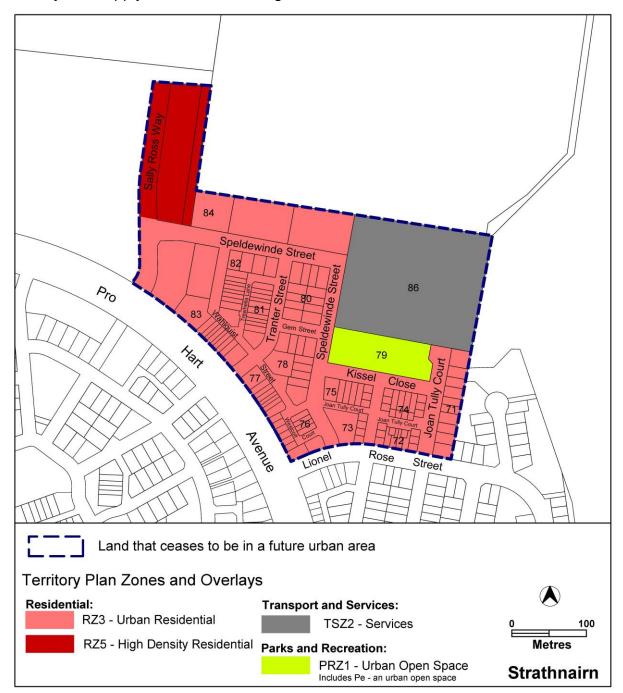
3. TECHNICAL AMENDMENT

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 Strathnairn Precinct Map and Code

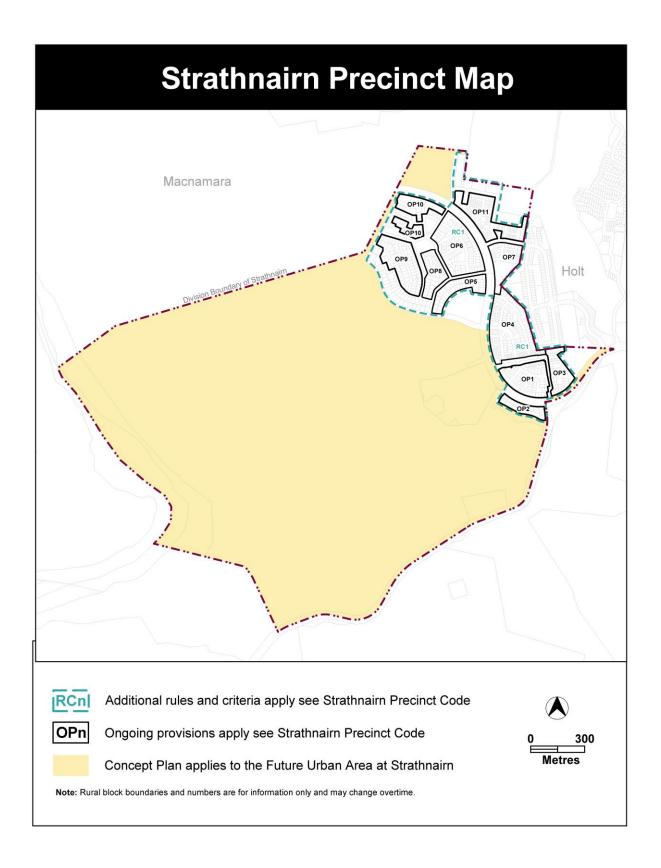
2. Strathnairn Precinct Map

Substitute with Attachment A





Strathnairn Precinct Map and Code



Strathnairn Precinct Code

Contents

INTRODU	CTION	4
ADDITION	IAL RULES AND CRITERIA	6
RC1 – RE	SIDENTIAL AREA	6
	Building and site controls	
	1.1 Setbacks	
	1.2 Heights	
	1.3 Walls 1.4 Principal Private Open Space	
	1.5 Solar Building Envelope	
	1.6 Parking	
	1.7 Gates	8
	1.8 Fencing	8
Flomont 2:	1.9 Building envelope provisions	
Liciliciil 2.	2.1 Water tank requirements	
Element 3:		
	3.1 Home business	11
OTHER ON	GOING PROVISIONS	36
OP1 – STRA	THNAIRN RESIDENTIAL AREA	36
	THNAIRN RESIDENTIAL AREA	
	ATHNAIRN RESIDENTIAL AREA	
OP11 – STR	ATHNAIRN RESIDENTIAL AREA	46
Figures		
Figure 1 Fe	ncing controls for mid-size / large corner blocks for Figure 3	12
Figure 2 Fe	ncing controls for mid-size / large corner blocks for Figure 4	13
Figure 3 St	rathnairn fencing controls	14
Figure 4 St	rathnairn fencing controls	15

Figure 5 Strathnairn residential area 1	16
Figure 6 Strathnairn residential area 2	17
Figure 7 Strathnairn residential area 3	18
Figure 8 Strathnairn residential area 4	19
Figure 9 Strathnairn residential area 5	20
Figure 10 Strathnairn residential area 6	21
Figure 11 Strathnairn residential area 7	22
Figure 12 Strathnairn residential area 8	23
Figure 13 Strathnairn residential area 9	24
Figure 14 Strathnairn residential area 10	25
Figure 15 Strathnairn residential area 11	26
Figure 16 Strathnairn residential area 12	27
Figure 17 Strathnairn residential area 13	28
Figure 18 Strathnairn residential area 14	29
Figure 19 Strathnairn residential area 15	30
Figure 20 Strathnairn residential area 16	31
Figure 21 Strathnairn residential area 17	32
Figure 22 Strathnairn residential area 18	33
Figure 23 Strathnairn residential area 19	34
Figure 24 Strathnairn residential area 20	35
Figure 25 Strathnairn residential area ongoing provisions	36
Figure 26 Strathnairn residential area ongoing provisions	37
Figure 27 Strathnairn residential area ongoing provisions	38
Figure 28 Strathnairn residential area ongoing provisions	39
Figure 29 Strathnairn residential area ongoing provisions	40
Figure 30 Strathnairn residential area ongoing provisions	41
Figure 31 Strathnairn residential area ongoing provisions	42
Figure 32 Strathnairn residential area ongoing provisions	43
Figure 33 Strathnairn residential area ongoing provisions	44
Figure 34 Strathnairn residential area ongoing provisions	45
Figure 35 Strathnairn residential area ongoing provisions	46

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

EPSDD ACT Environment, Environment, Planning and Sustainable

Development Directorate

NCA National Capital Authority

P&D Act Planning and Development Act 2007
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				
Minimum boundary setbacks to lower floor level and/or upper floor level are identified in Figures 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24.	This is a mandatory requirement. There is no applicable criterion.			
This rule does not apply to setbacks for garages and/or carports.				
Notes:				
 Where setbacks are not identified, or for garages and/or carports, the provisions of the Single Dwelling Housing Development Code or the Multi Unit Housing Development Code apply. Side boundary 1 and side boundary 2 are nominated by the applicant unless otherwise specified in this precinct code. 				
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, 18, 19, 20, 21, 22 and 23. Minimum setback to garage/ carport/ surveillance unit is nominated.	This is a mandatory requirement. There is no applicable criterion.			
1.2 Heights				
R3				
This rule applies to blocks or parcels in locations identified in Figures 5, 6, 7, 8, 9, 10 and 11. The mandatory number of storeys is nominated.	This is a mandatory requirement. There is no applicable criterion.			

Rul	es	Criteria
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, 18, 19, 20, 21, 23 and 24. Maximum length of wall at nominated setback		This is a mandatory requirement. There is no applicable criterion.
can	not exceed nominated length.	
1.4	Principal Private Open Space	
ider	s rule applies to blocks or parcels in locations atified in Figures 5, 10, 11,12, 13, 16, 19, 20, and 24.	This is a mandatory requirement. There is no applicable criterion.
	minimum dimensions or area of <i>principal</i> ate open space are nominated.	
	east one area of <i>principal private open space</i> he block complies with all of the following:	
a)	directly accessible from, and adjacent to, a habitable room other than a bedroom	
b)	screened from adjoining public streets and public open space	
c)	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).	
priv	ere nominated at Upper Floor Level <i>principal</i> ate open space also complies with the owing:	
	i) not less than 12m².	
1.5	Solar Building Envelope	
	s rule applies to blocks or parcels in locations ntified in Figures 13, 14, 15 and 17.	This is a mandatory requirement. There is no applicable criterion.
buil	ninated blocks are exempt from solar ding provisions in Rule and Criteria 26 of the ti Unit Housing Development Code.	

Rules	Criteria			
1.6 Parking				
R7 This rule applies to blocks or parcels in locations identified in Figures 5, 6, 10, 12, 13, 21, 22, 23 and 24. One onsite parking space only is required.	This is a mandatory requirement. There is no applicable criterion.			
1.7 Gates				
R8 This rule applies to blocks or parcels in locations identified in Figures 5, 6, 8, 9 and 11. Access gate to open space is required.	This is a mandatory requirement. There is no applicable criterion.			
R9 This rule applies to blocks or parcels in locations identified in Figures 13, 14, 15, 17 and 21. Location of gate, street address and letterbox are nominated.	This is a mandatory requirement. There is no applicable criterion.			
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. Materials are to be a combination of solid and semi-transparent elements as follows: • Masonry or stonework	This is a mandatory requirement. There is no applicable criterion.			
 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 				

Rules	Criteria
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. 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: 	This is a mandatory requirement. There is no applicable criterion.
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 Principal Private Open Space/Daytime Liv	ing
R13	
This rule applies to blocks or parcels in locations identified in Figure 22.	This is a mandatory requirement. There is no applicable criterion.
Principal private open space and daytime living area is located on the western side of the block.	

Rules	Criteria			
1.11 Garage/Carport Location				
R14 This rule applies to blocks or parcels in locations identified in Figure 22. Garage/carports are not to directly address Sally Ross Way and Speldewinde Street.	This is a mandatory requirement. There is no applicable criterion.			
1.12 Screening Treatments				
R15 This rule applies to blocks or parcels in locations identified in Figure 22 and 23. Landscaping screening treatments of minimum 1.8m high to <i>principal private open space</i> .	This is a mandatory requirement. There is no applicable criterion.			
R16 This rule applies to blocks and parcels in locations identified in Figure 22. Fencing and landscaping complies with all of the following:	This is a mandatory requirement. There is no applicable criterion.			
 a) a 1.8 metre solid timber lapped and capped fence on the boundary with a 4.5 metre high mesh fence within the <i>block</i> as close to the timber fence as possible b) mesh fence includes evergreen climbing planting c) a 3 metre planting area from the mesh fence into the <i>block</i>. 				

Element 2: Water sensitive urban design

Rules		Criteria		
2.1 Water tank requ	uirements			
R17				
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 of the Single Dwelling ong minimum roof capture d external connection			
R18				
identified in Figures 1 Rain water tanks mus		This is a mandatory requirement. There is no applicable criterion.		
accordance with R43 Housing Code.	of the Single Dwelling			

Element 3: Home business provisions

Rules	Criteria			
3.1 Home business				
R19				
This rule applies to block 6 section 16.	This is a mandatory requirement. There is no			
No maximum number of <i>home business</i> .	applicable criterion.			

LOCATION (refer to plan) FENCING CONTROL ONLY APPLES TO COURTYARD WALLS AND FENCES FORWARD 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	
(APPLIES	R BLOCKS S TO ALL LARGE AND MID RNER 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)

^{*} 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

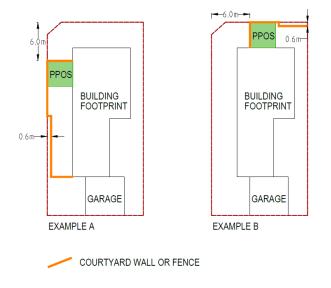


Figure 1 Fencing controls for mid-size / large corner blocks for Figure 3

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	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% @ Dm	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	
CORN	ER 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.

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

Table 2 Fencing controls for Figure 4

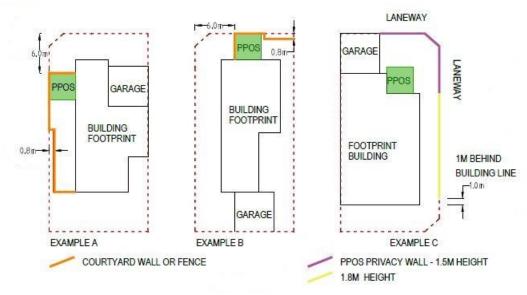


Figure 2 Fencing controls for mid-size / large corner blocks for Figure 4

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.

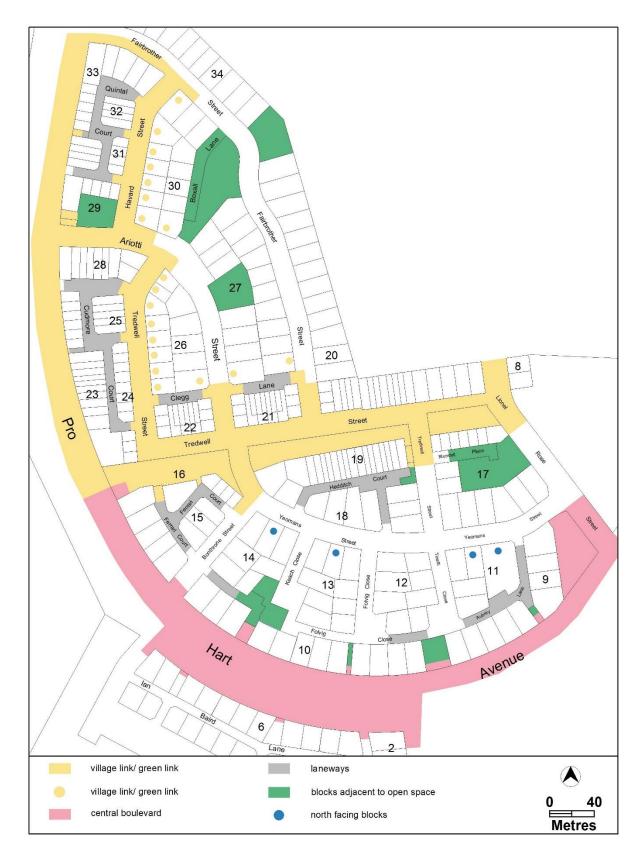


Figure 3 Strathnairn fencing controls

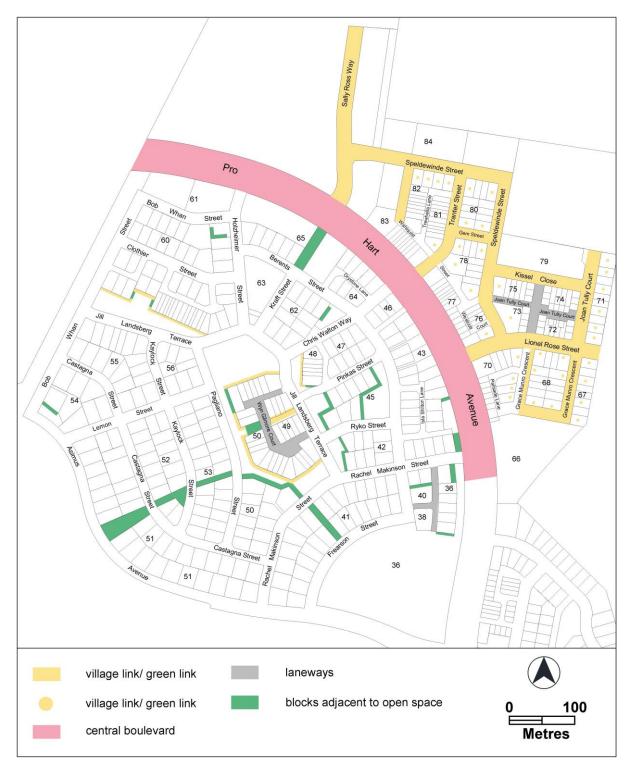


Figure 4 Strathnairn fencing controls

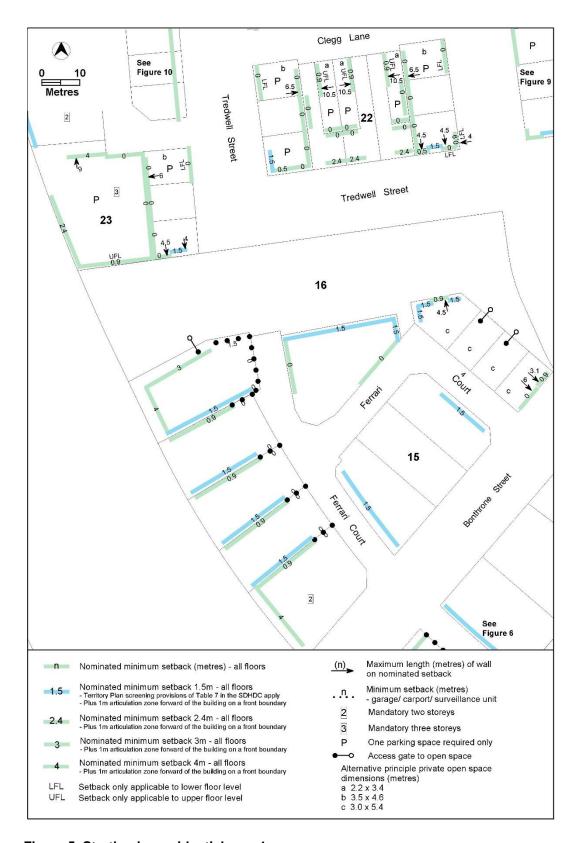


Figure 5 Strathnairn residential area 1

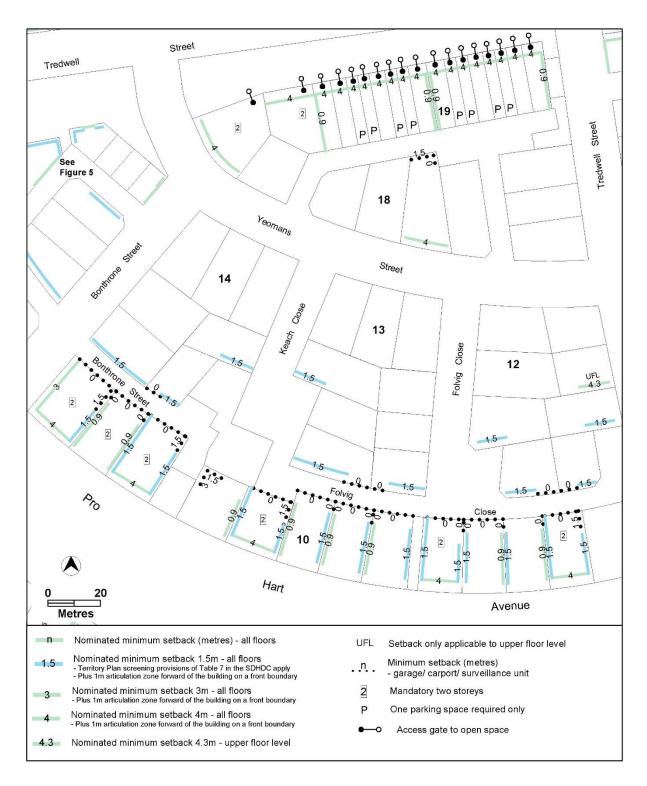


Figure 6 Strathnairn residential area 2

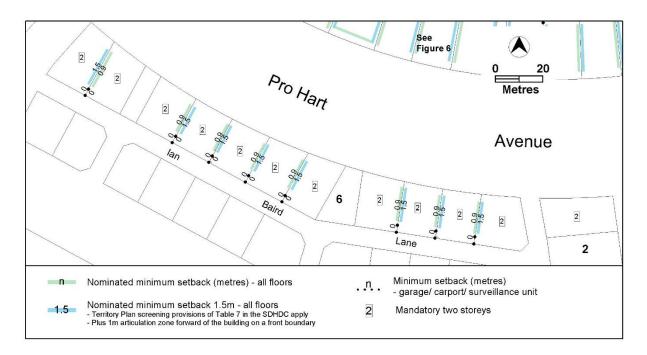


Figure 7 Strathnairn residential area 3

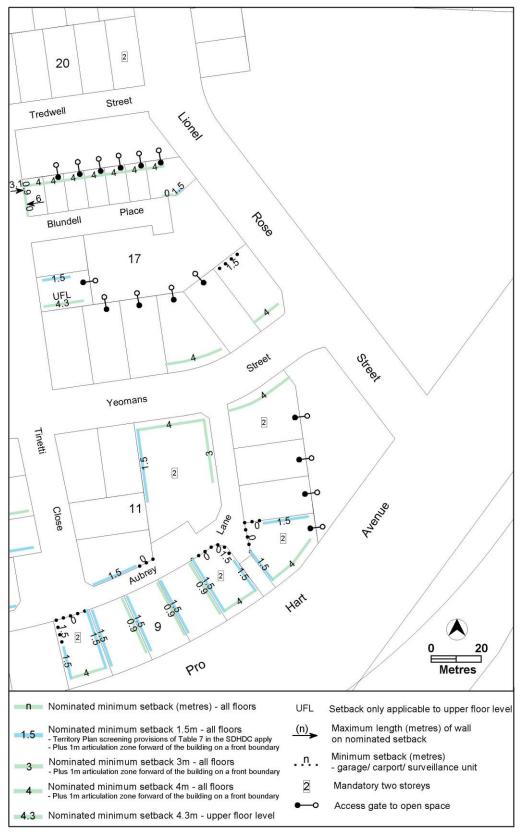


Figure 8 Strathnairn residential area 4



Figure 9 Strathnairn residential area 5

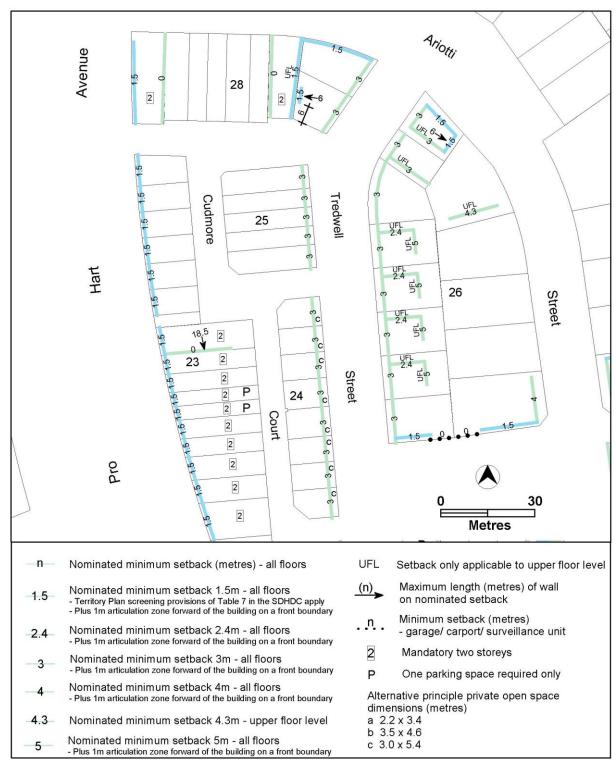


Figure 10 Strathnairn residential area 6

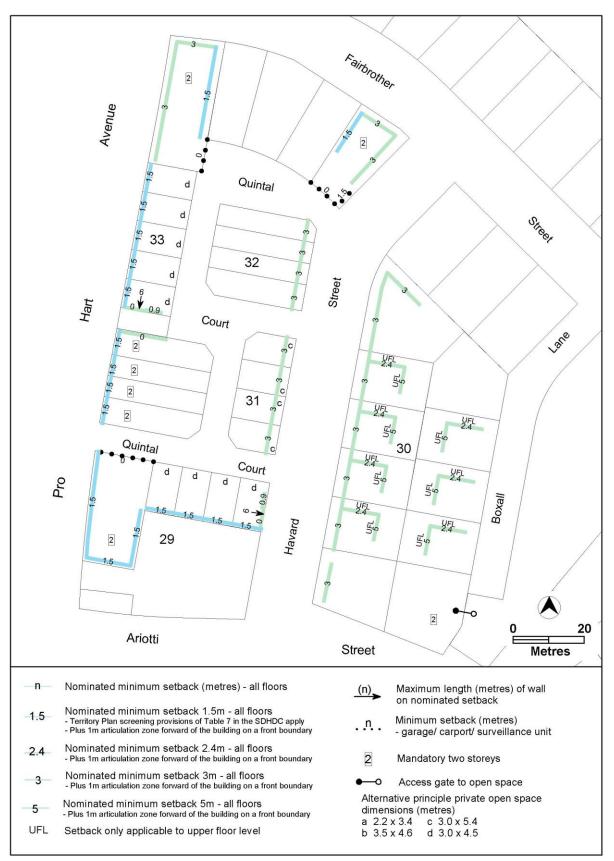


Figure 11 Strathnairn residential area 7



Figure 12 Strathnairn residential area 8

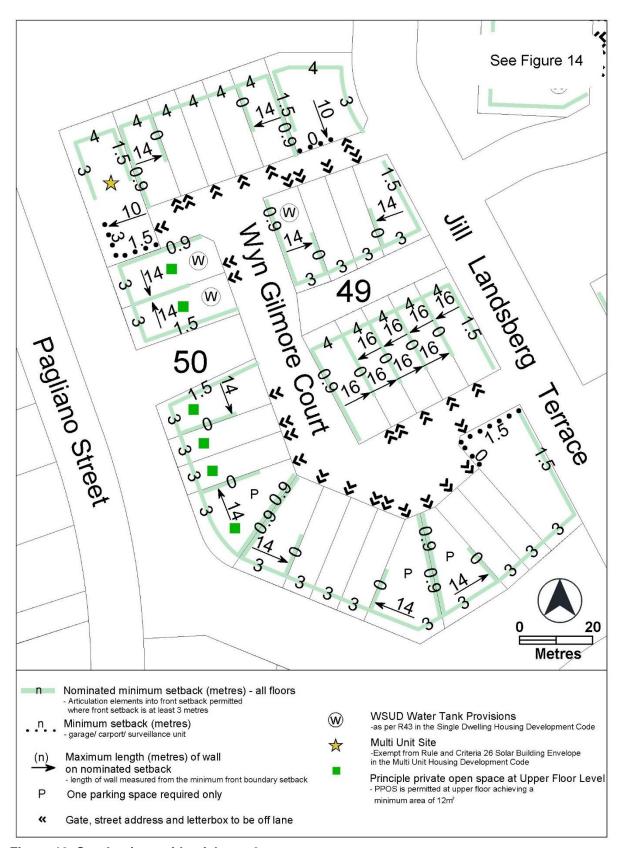


Figure 13 Strathnairn residential area 9

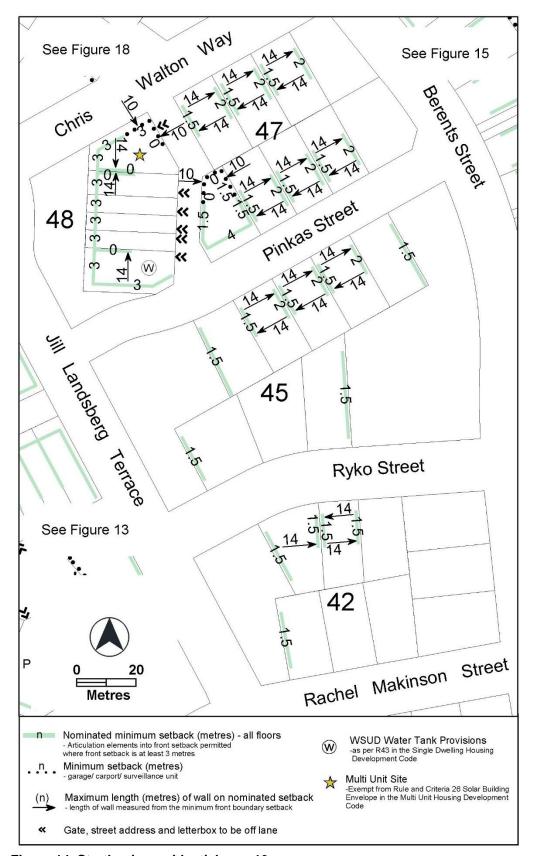


Figure 14 Strathnairn residential area 10

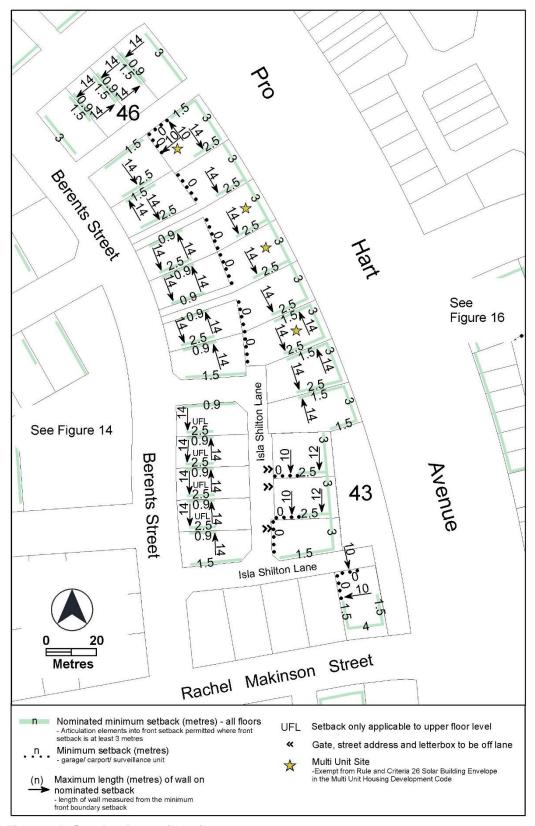


Figure 15 Strathnairn residential area 11

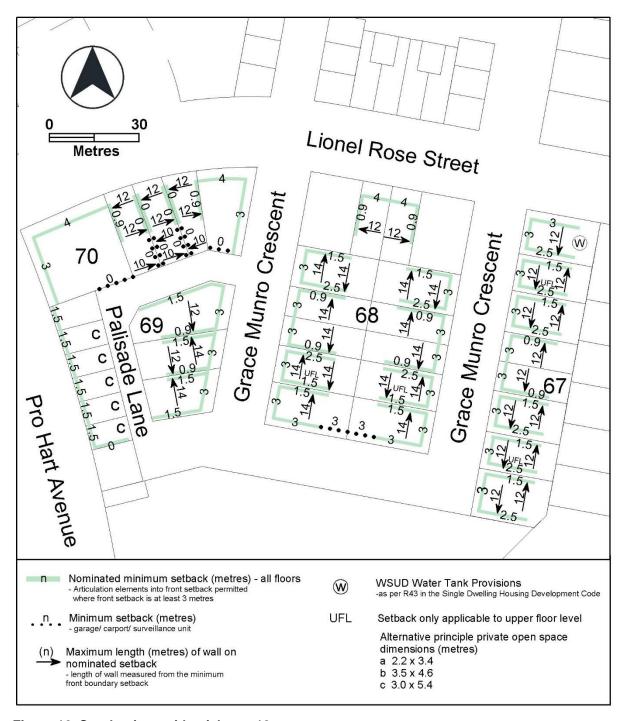


Figure 16 Strathnairn residential area 12

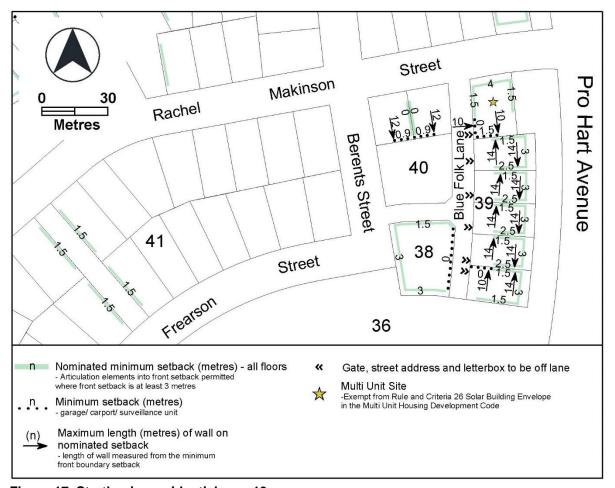


Figure 17 Strathnairn residential area 13

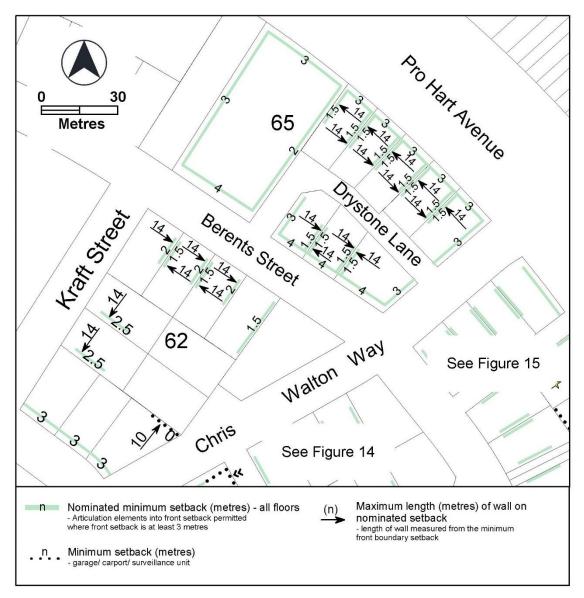


Figure 18 Strathnairn residential area 14

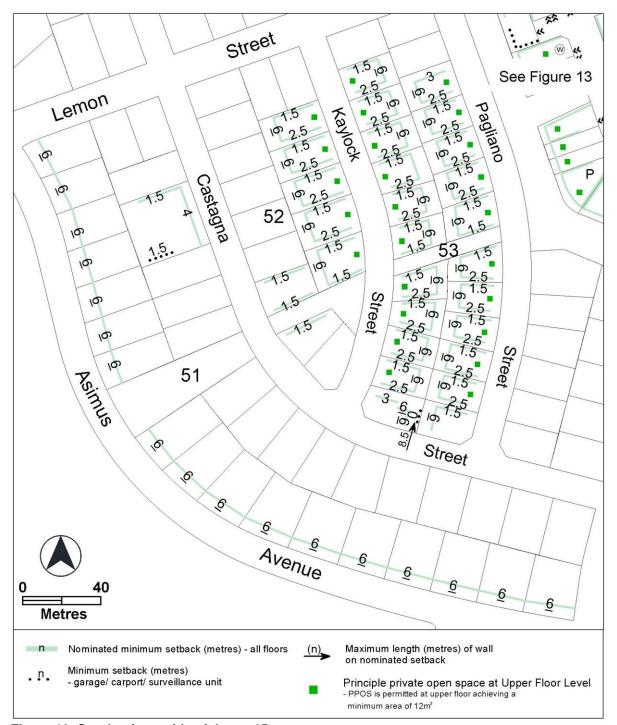


Figure 19 Strathnairn residential area 15

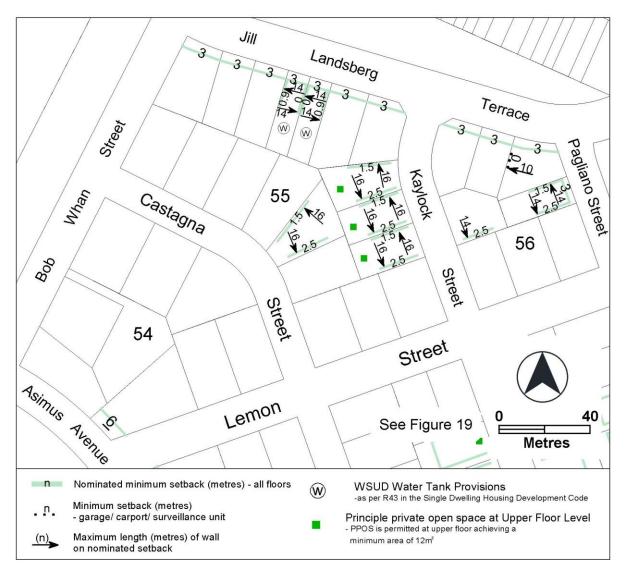


Figure 20 Strathnairn residential area 16

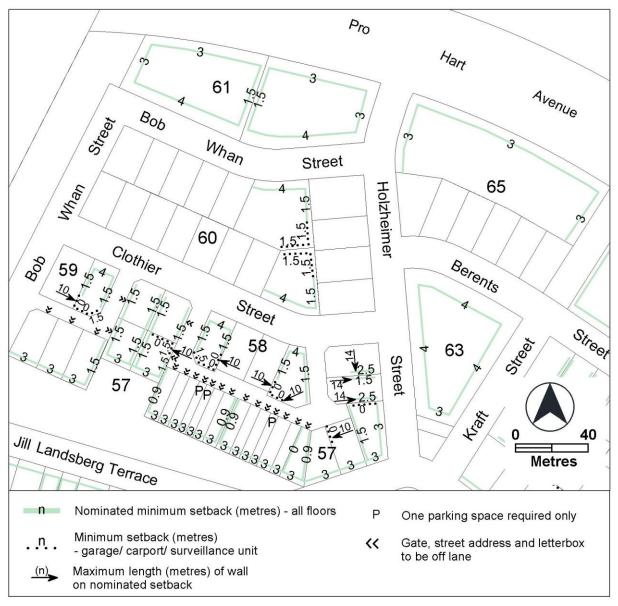


Figure 21 Strathnairn residential area 17

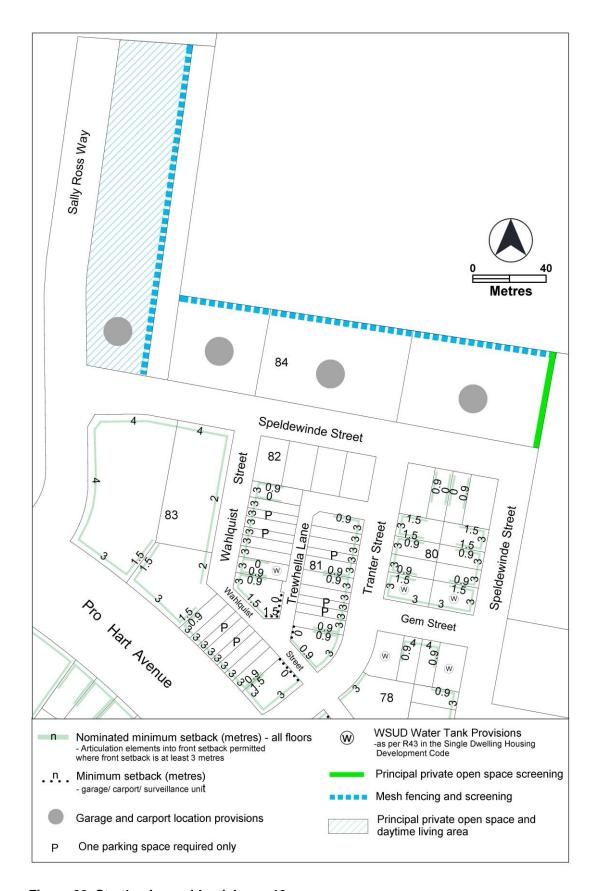


Figure 22 Strathnairn residential area 18

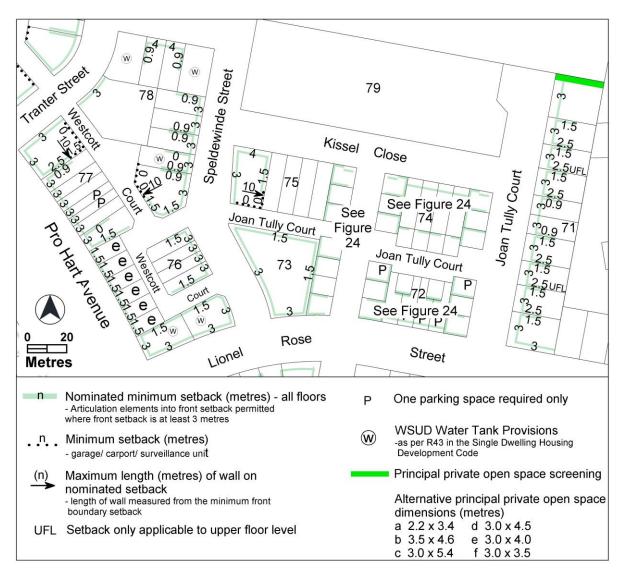


Figure 23 Strathnairn residential area 19

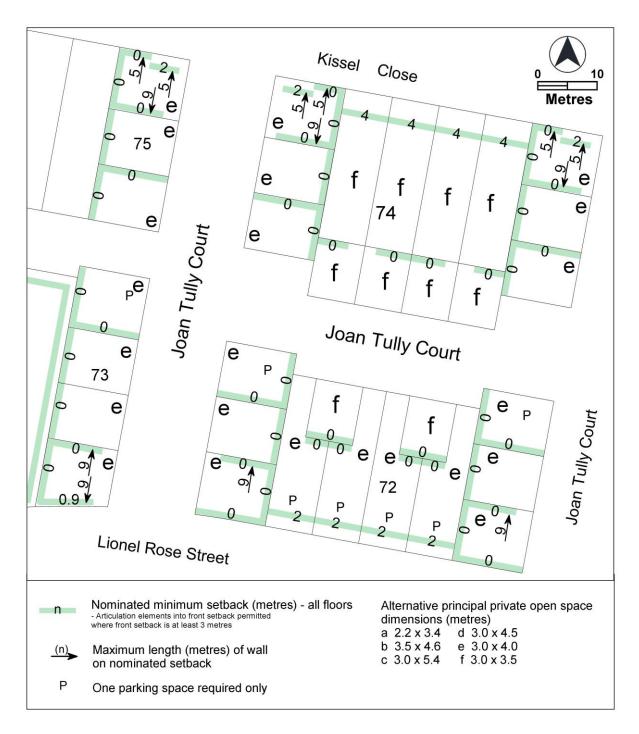


Figure 24 Strathnairn residential area 20

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.

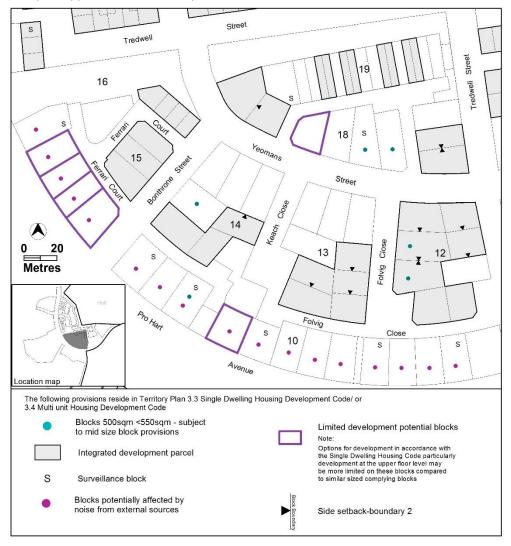


Figure 25 Strathnairn residential area ongoing provisions

OP2 - Strathnairn residential area

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

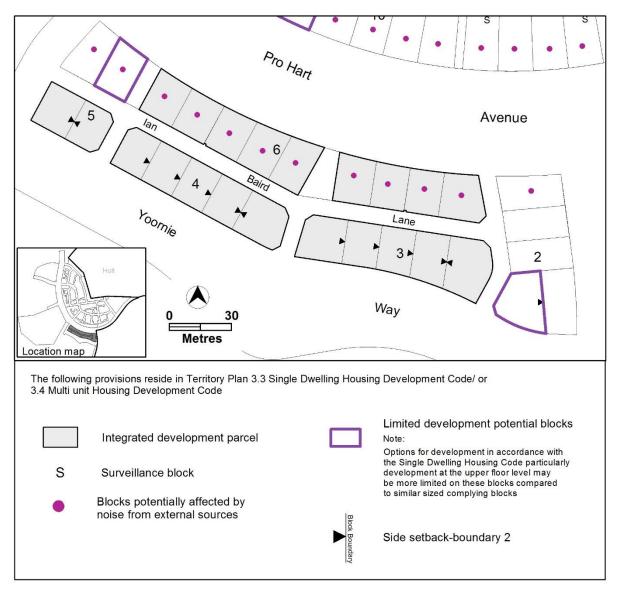


Figure 26 Strathnairn residential area ongoing provisions

OP3 - Strathnairn residential area

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

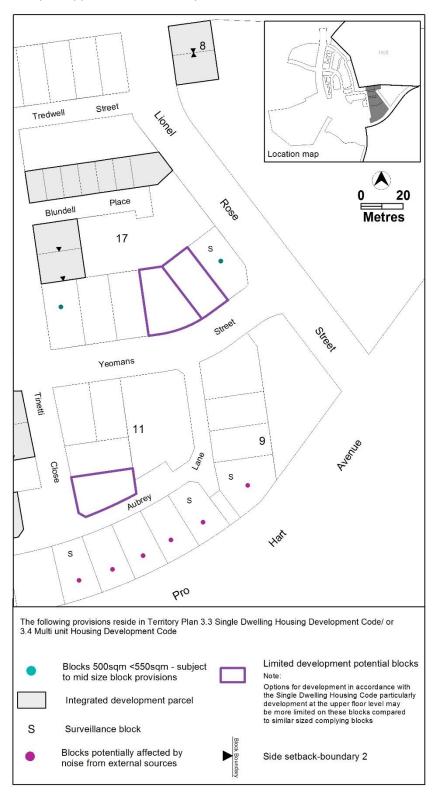


Figure 27 Strathnairn residential area ongoing provisions

OP4 - Strathnairn residential area

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



Figure 28 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.

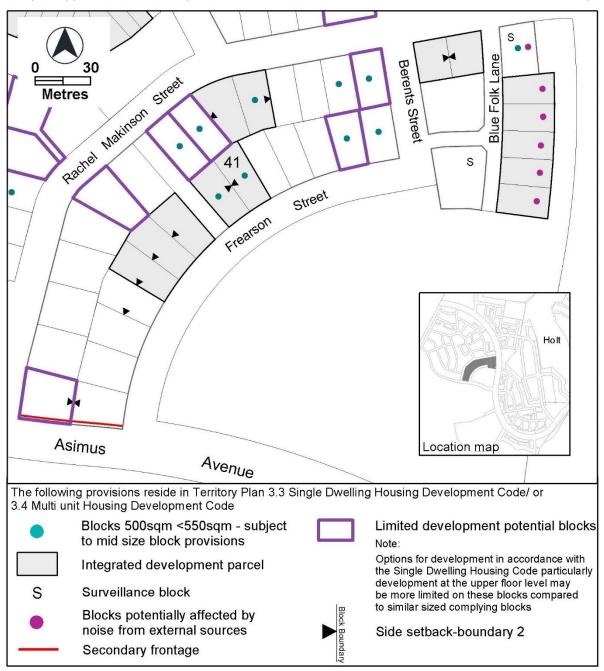


Figure 29 Strathnairn residential area ongoing provisions

OP6 - Strathnairn residential area

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

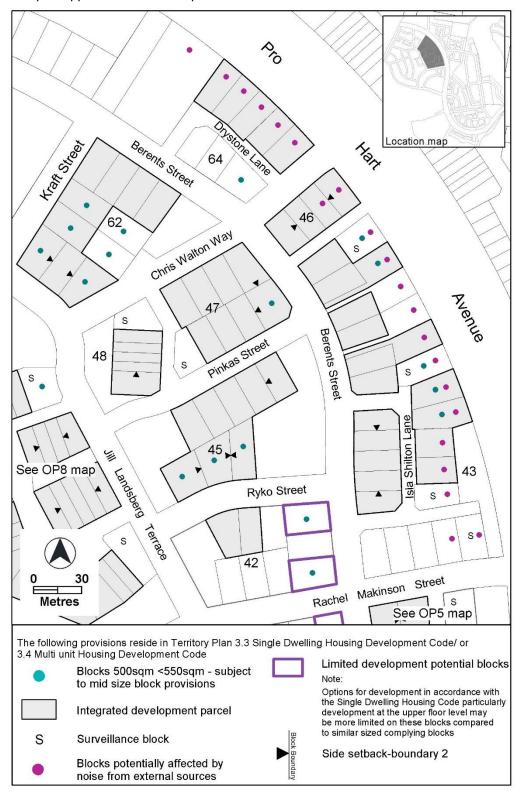


Figure 30 Strathnairn residential area ongoing provisions

OP7 – Strathnairn residential area

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

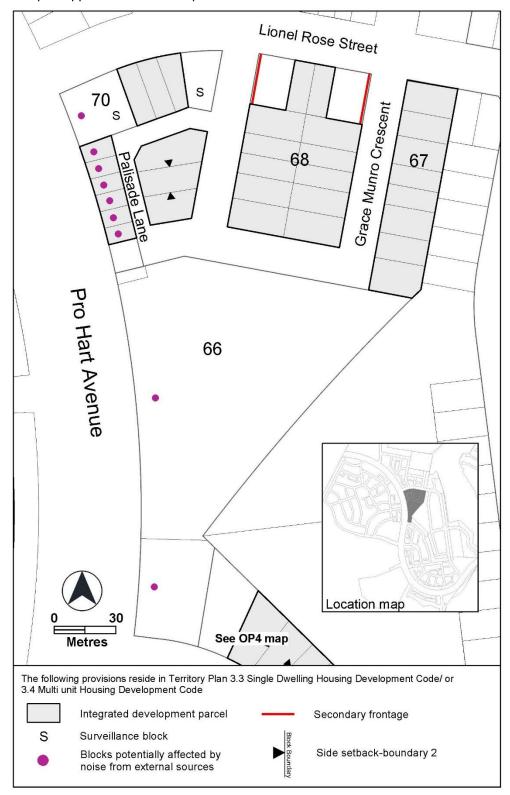


Figure 31 Strathnairn residential area ongoing provisions

OP8 - Strathnairn residential area

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

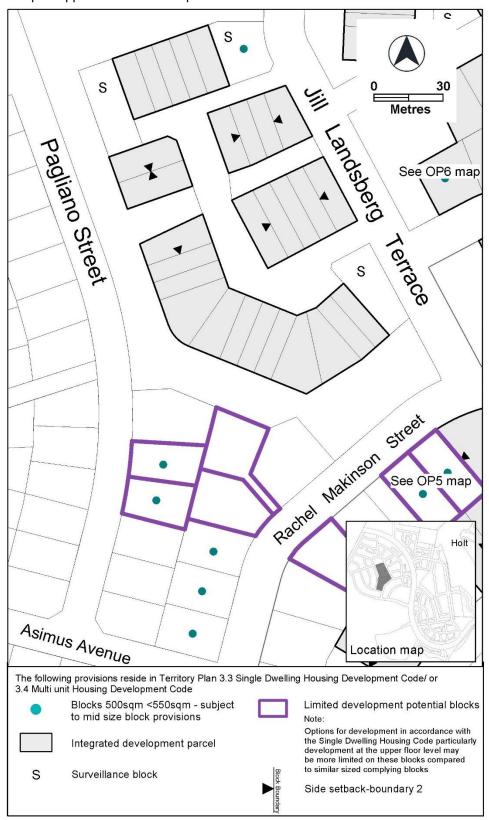


Figure 32 Strathnairn residential area ongoing provisions

OP9 - Strathnairn residential area

This part applies to blocks and parcels identified in area OP9 shown on the Strathnairn Precinct Map.

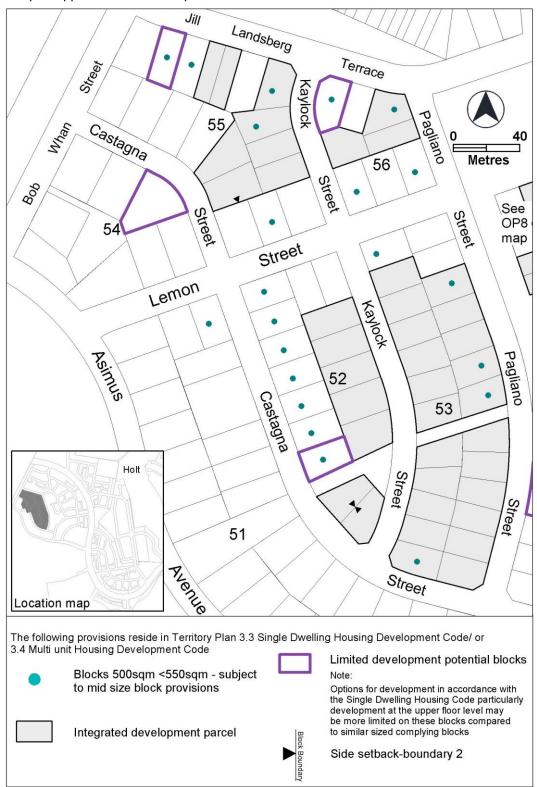


Figure 33 Strathnairn residential area ongoing provisions

OP10 - Strathnairn residential area

This part applies to blocks and parcels identified in area OP10 shown on the Strathnairn Precinct Map.

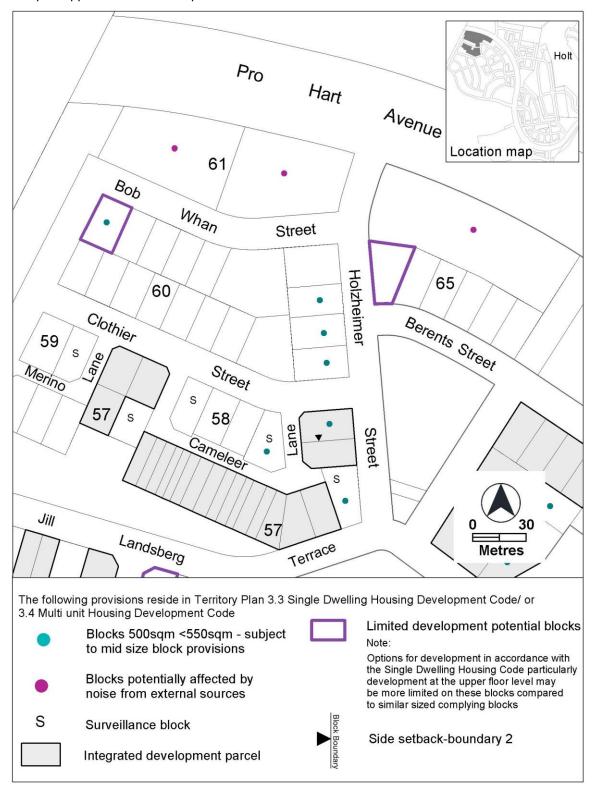


Figure 34 Strathnairn residential area ongoing provisions

OP11 - Strathnairn residential area

This part applies to blocks and parcels identified in area OP11 shown on the Strathnairn Precinct Map.

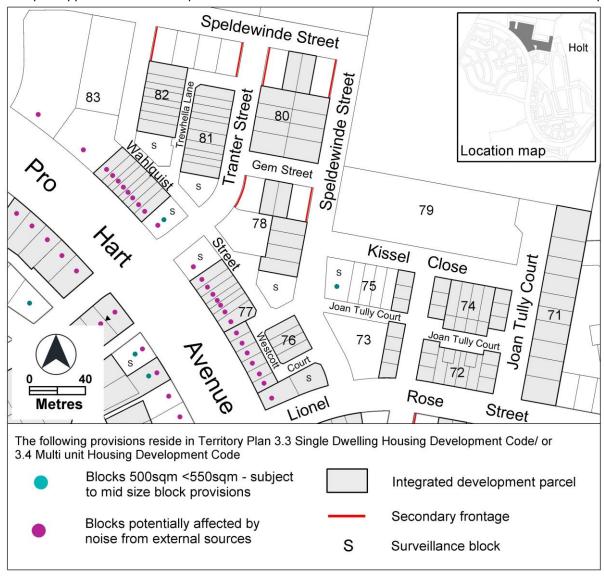


Figure 35 Strathnairn residential area ongoing provisions