

Australian Capital Territory

Planning and Development (Technical Amendment—Whitlam) Plan Variation 2021 (No 1)

Notifiable instrument NI2021—567

Technical Amendment No 2021-07

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Whitlam) Plan Variation 2021 (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 Whitlam plan variation is a technical amendment to the Territory Plan.

4 Dictionary

In this instrument:

Whitlam plan variation means the technical amendment to the Territory Plan, variation 2021-07, in the schedule.

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

Carolyn O'Neill
Delegate of the planning and land authority
21 September 2021



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

**Technical
Amendment
to the Territory Plan
Variation 2021-07**

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

21 September 2021

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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 Whitlam, as identified in Part 2 of this document.

Whitlam Precinct Map and Code

- The Whitlam 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 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.

TA2021-07 has been prepared in accordance with section 87(1)(c) of the Act.

2. EXPLANATION

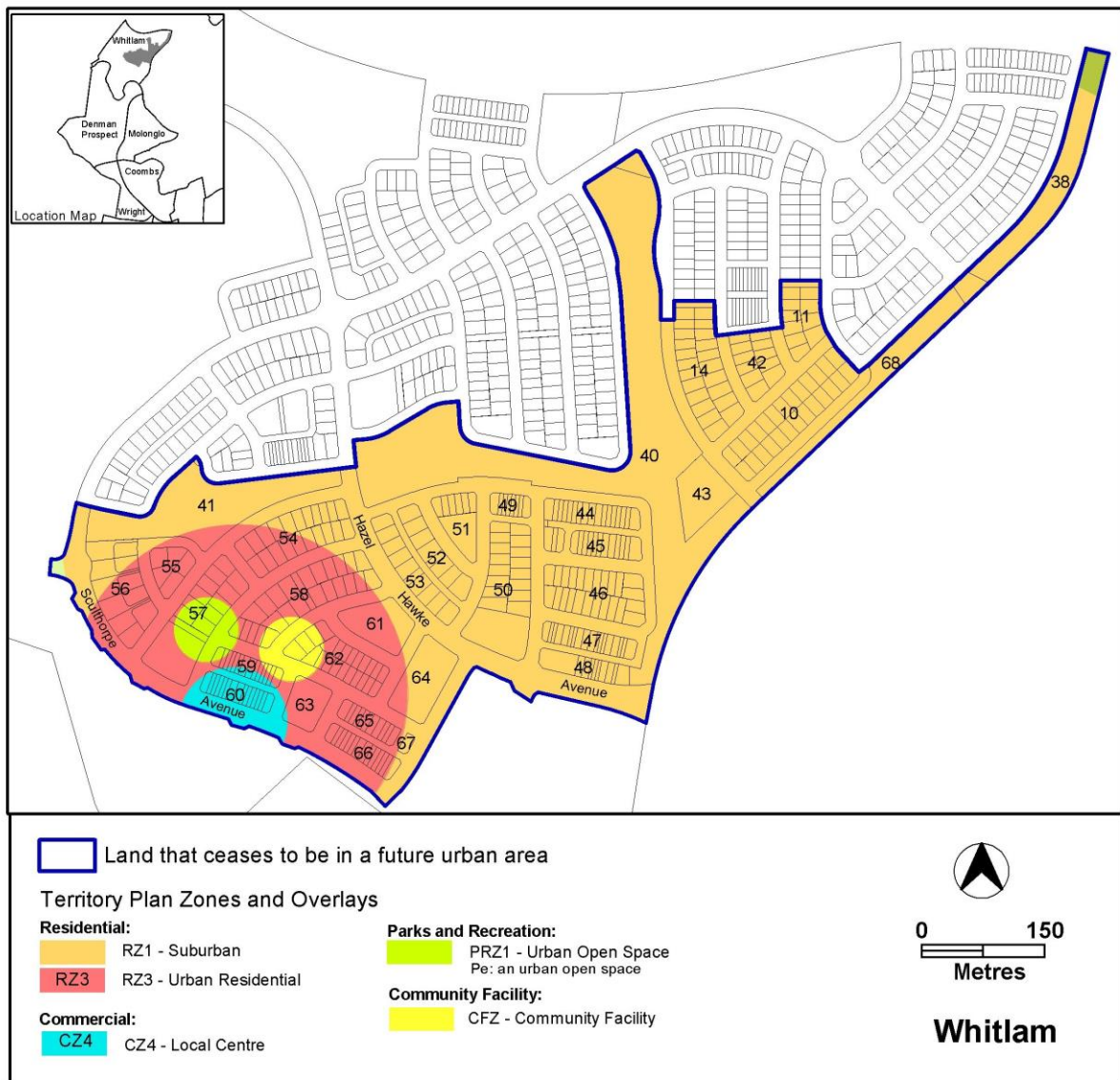
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

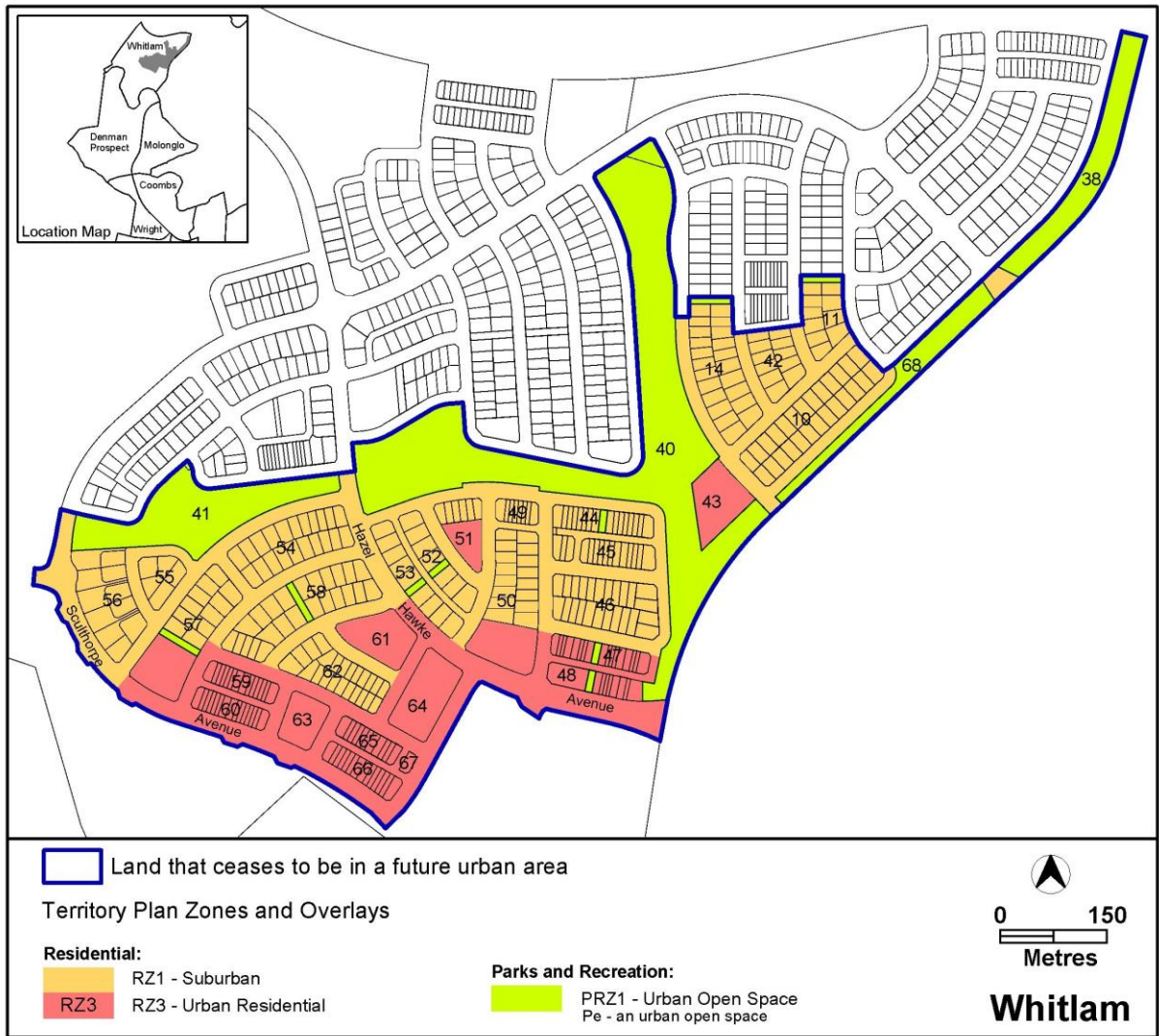
Variation to the Territory Plan

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



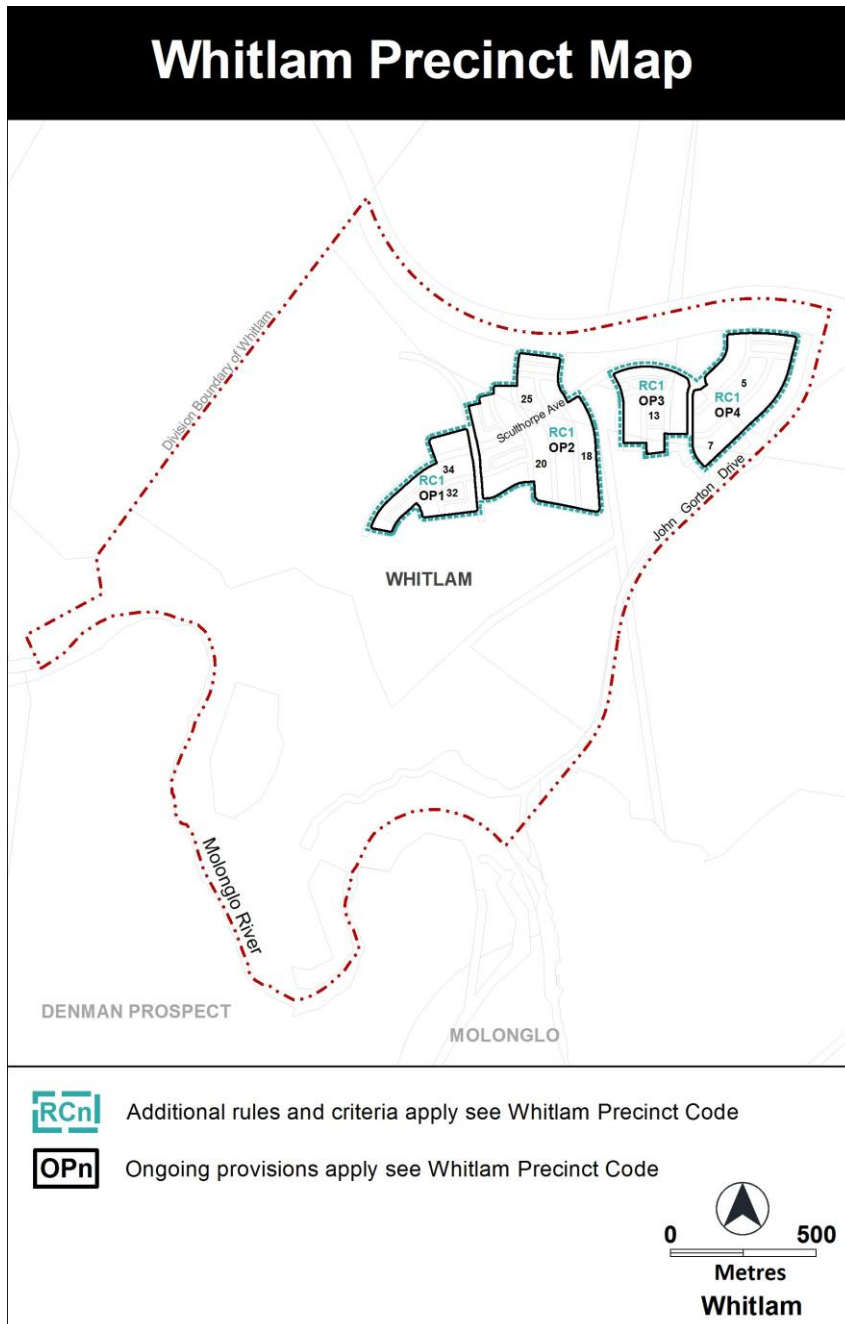
2.2 Whitlam Precinct Map and Code

Variation to the Whitlam Precinct Map and Code

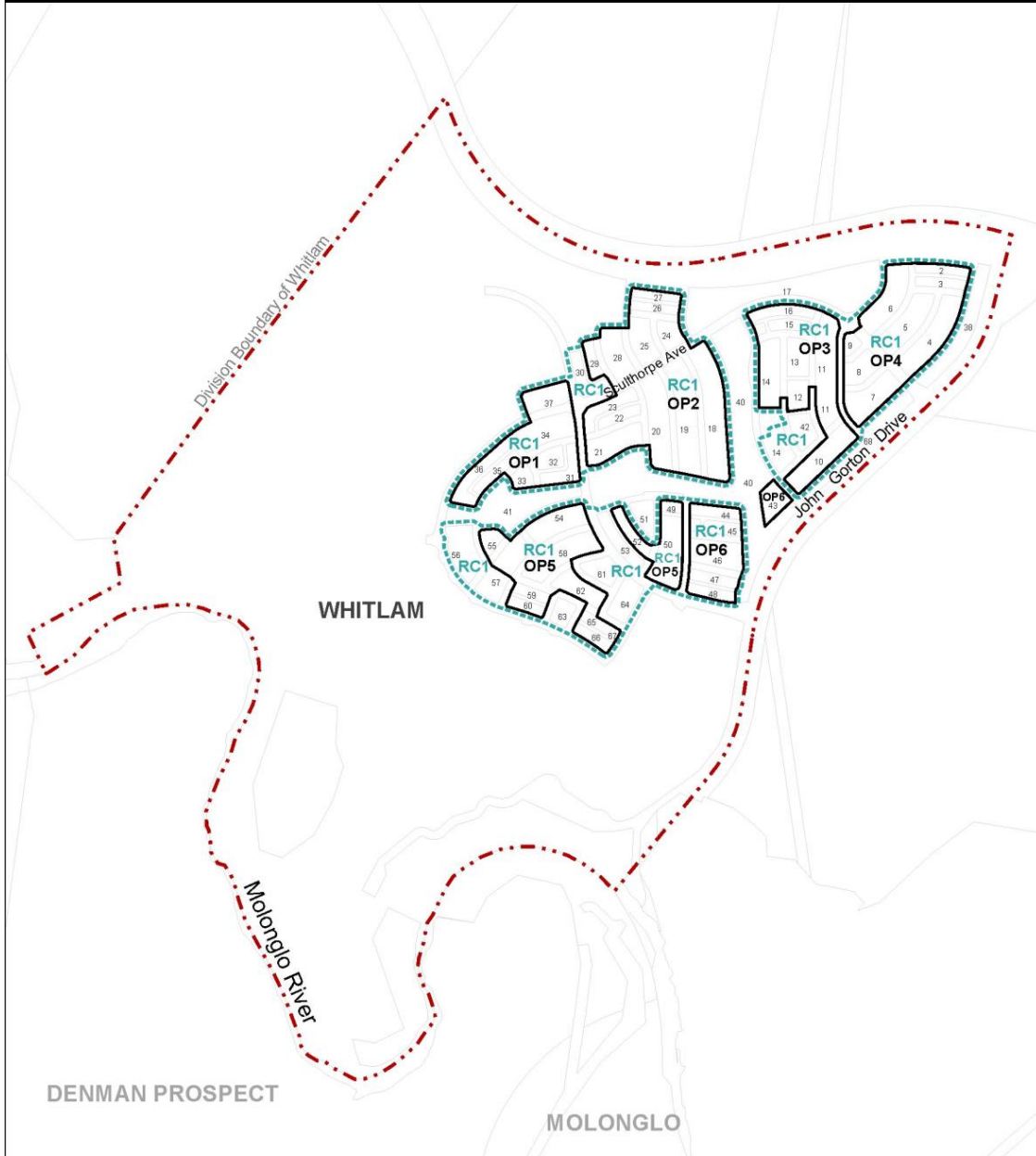
The Whitlam Precinct Map and Code is varied to incorporate rules and criteria and ongoing block specific provisions that are consistent with the approved estate development plan.

2.2.1 Whitlam Precinct Map

Existing Whitlam Precinct Map



Whitlam Precinct Map



Additional rules and criteria apply see Whitlam Precinct Code



Ongoing provisions apply see Whitlam Precinct Code



2.2.2 Whitley Precinct Code

This technical amendment substitutes figure 3 and inserts new figures 5, 6, 7, 8 (existing figures 5, 6 and 8 are renumbered accordingly) 11, 13 and 14. It inserts new rules 7, 8 and 9 in the Whitley Precinct Map and Code in Attachment A, for areas where the future urban area overlay is being removed (see 3.1 Territory Plan Map below).

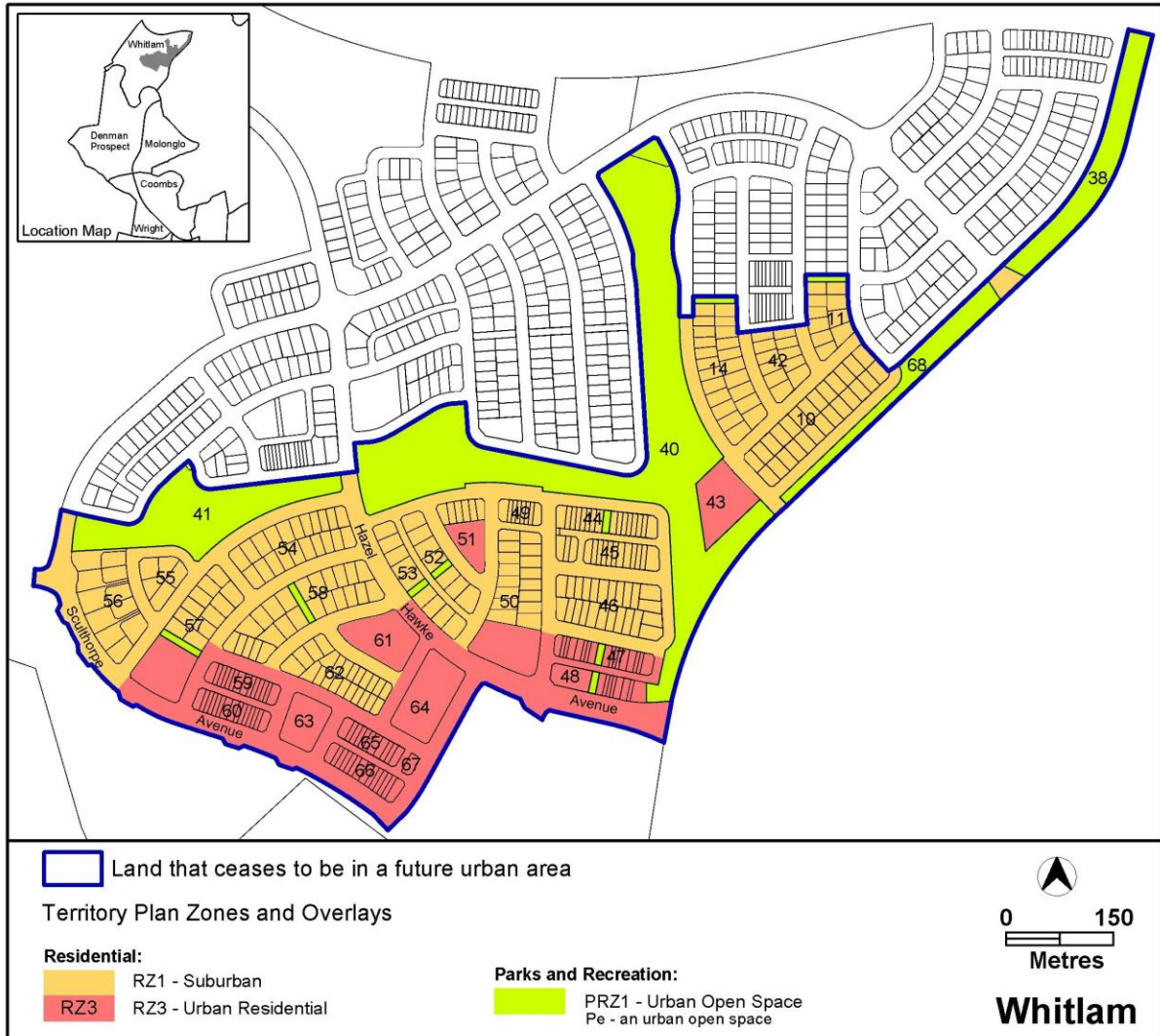
3. TECHNICAL AMENDMENT

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 Whitlam Precinct Map and Code

2. Whitlam Precinct Map

Substitute with Attachment A



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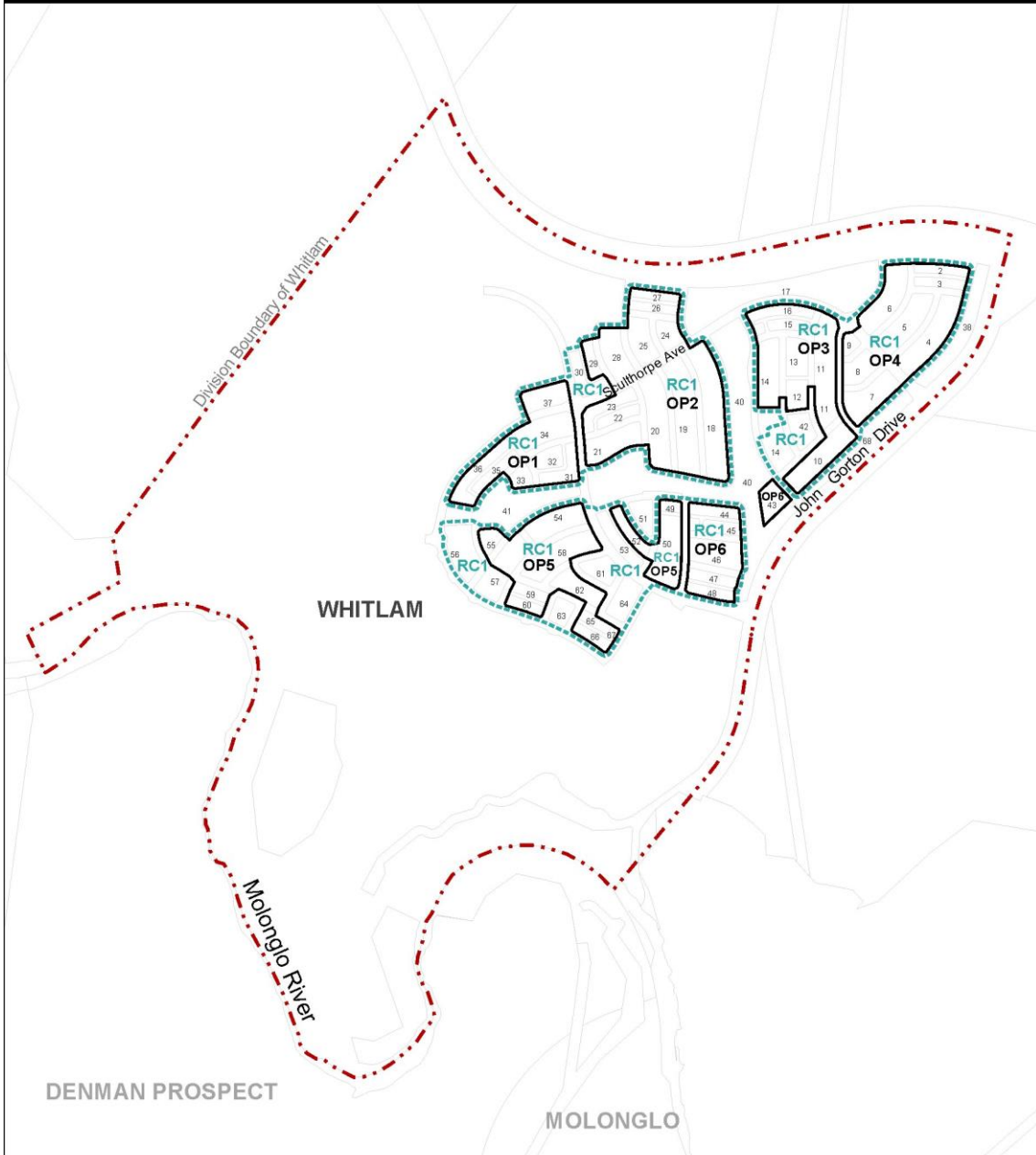
Environment, Planning and
Sustainable Development

Attachment A

Whitlam Precinct Map and Code

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Whitlam Precinct Map



Additional rules and criteria apply see Whitlam Precinct Code



Ongoing provisions apply see Whitlam Precinct Code



Whitlam Precinct Code

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Introduction

Name

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

Application

The code applies to the Division of Whitlam.

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 Whitlam Precinct Map (RCn). It should be read in conjunction with the relevant zone development code and related codes.

RC1 – Whitlam Residential

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

Element 1: Building and site controls

Rules	Criteria
1.1 Courtyard walls	
<p>R1</p> <p>This rule applies to blocks or parcels in locations identified in Figures 1, 2, 3, 4, 6, 7 and 8.</p> <p>Courtyard wall to a maximum height of 1.5m constructed of rendered brick, block or stonework in combination with feature panels that include openings not less than 25% of the surface area, and setback 600mm from the front boundary to incorporate landscaping.</p> <p>The length of the wall is to extend along the boundary and terminate 5 metres from the corner boundary adjoining a road.</p> <p>Note: See Diagram 1 for examples of courtyard wall.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.2 Vehicular access	
<p>R2</p> <p>This rule applies to blocks or parcels in locations identified in Figures 1, 2, 3, 4, 6, 7 and 8.</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>
1.3 Minimum number of storeys	
<p>R3</p> <p>This rule applies to blocks or parcels in locations identified in Figure 4.</p> <p>Minimum number of <i>storeys</i> is 2.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
1.4 Setbacks	
<p>R4</p> <p>This rule applies to blocks or parcels in locations identified in Figures 1, 2, 3, 4, 6, 7 and 8.</p> <p>Minimum boundary setbacks <i>to lower floor level</i> and/or <i>upper floor level</i> are nominated.</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, 2, 3, 4, 5, 6, 7 and 8.</p> <p><i>Lower floor level</i> complies with the following side boundary setbacks within the <i>primary building zone</i> and the <i>rear zone</i>:</p> <ul style="list-style-type: none"> a) minimum setback of 3m from side boundary 1 b) minimum setback of 1.5m from side boundary 2 <p>Garage setback is a minimum of 1.5m from side boundary 2.</p> <p>The <i>lower floor level</i> minimum rear boundary setback and all <i>upper floor level</i> setbacks in Table 5 and Table 6B of the Single Dwelling Housing Development Code apply.</p> <p>The northern boundary of section 11 blocks 13 and 17 are considered side setbacks for the purposes of this rule.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 2: Amenity

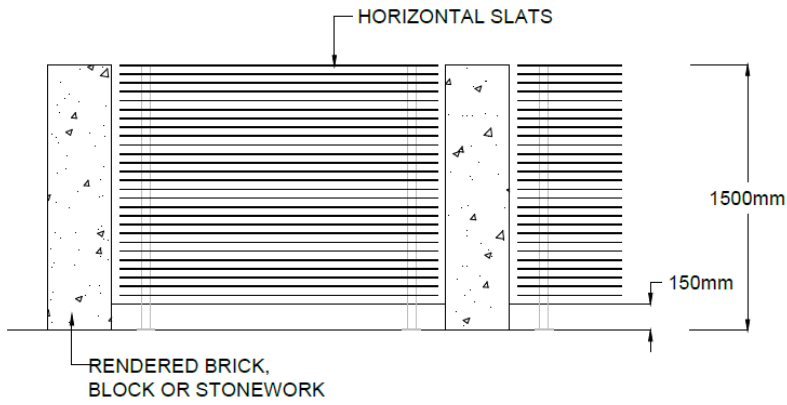
2.1 Acoustic protection – front wall height	
<p>R6</p> <p>This rule applies to blocks or parcels in locations identified in Figures 2, 3, 4, 5, 6 and 7.</p> <p><i>Dwelling</i> walls facing the <i>front boundary</i> are to achieve a minimum wall height within the <i>primary building zone</i>, of 6 metres above <i>datum ground level</i>.</p> <p>Note: The purpose of this rule is to provide acoustic protection measures for the estate.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
2.2 Acoustic protection – front wall height	
<p>R7</p> <p>This rule applies to blocks or parcels in locations identified in Figures 5 and 6.</p> <p><i>Dwelling walls facing the front boundary are to achieve a minimum wall height within the primary building zone above datum ground level as nominated</i></p> <p>Note: The purpose of this rule is to provide acoustic protection measures for the estate.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.3 Acoustic protection – additional noise affected blocks	
<p>R8</p> <p>This rule applies to blocks or parcels in locations identified in Figures 6 and 7.</p> <p>Single level <i>dwelling facade</i> must be a minimum height of 3 metres and a maximum height of 4.5 metres above <i>finished ground level</i>.</p>	<p>C8</p> <p><i>Dwellings</i> higher than 4.5 metre above <i>finished ground level</i> will require an individual acoustic assessment to be submitted.</p>

Element 3: Cut and Fill

3.1 Cut and Fill	
<p>R9</p> <p>This rule applies to side and rear boundaries of blocks or parcels in locations identified in Figures 6 and 8</p> <p>The total change in ground level resulting from cut or fill must not exceed 1.5m within 1.5m of a side or rear boundary. The change in ground level is the cumulative total of all level changes within 1.5m of the boundary taken from the <i>datum ground level</i> to the new <i>finished ground level</i>.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

TYPE 1



TYPE 2

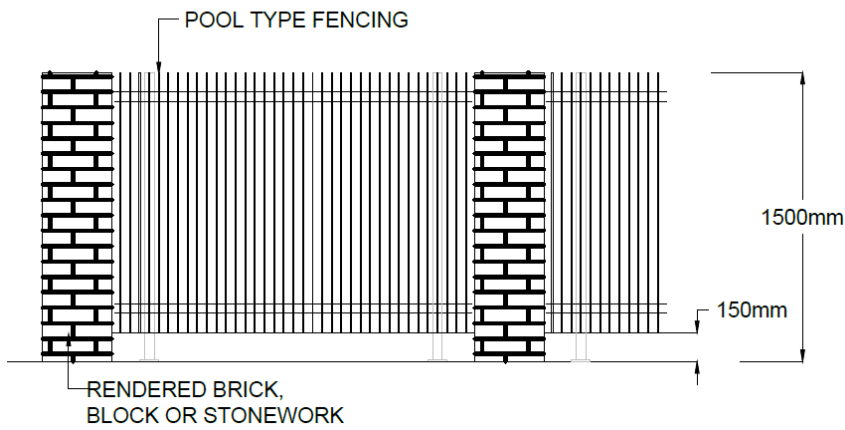


Diagram 1 Elevation of courtyard wall

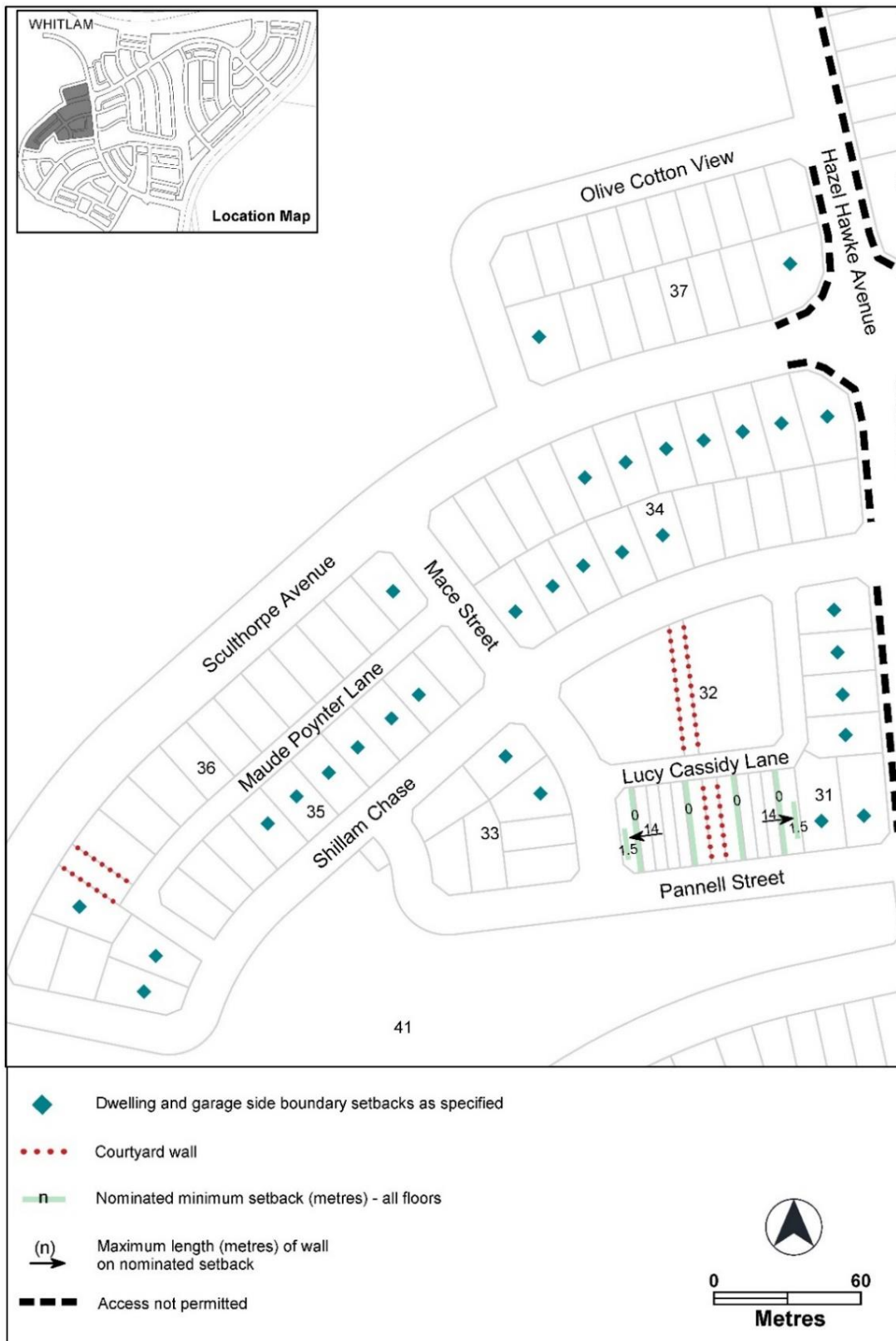


Figure 1 Whitlam residential area 1



Figure 2 Whitlam residential area 2



Figure 3 Whitlam residential area 3



Figure 4 Whitlam residential area 4



Figure 5 Whitlam residential area 5

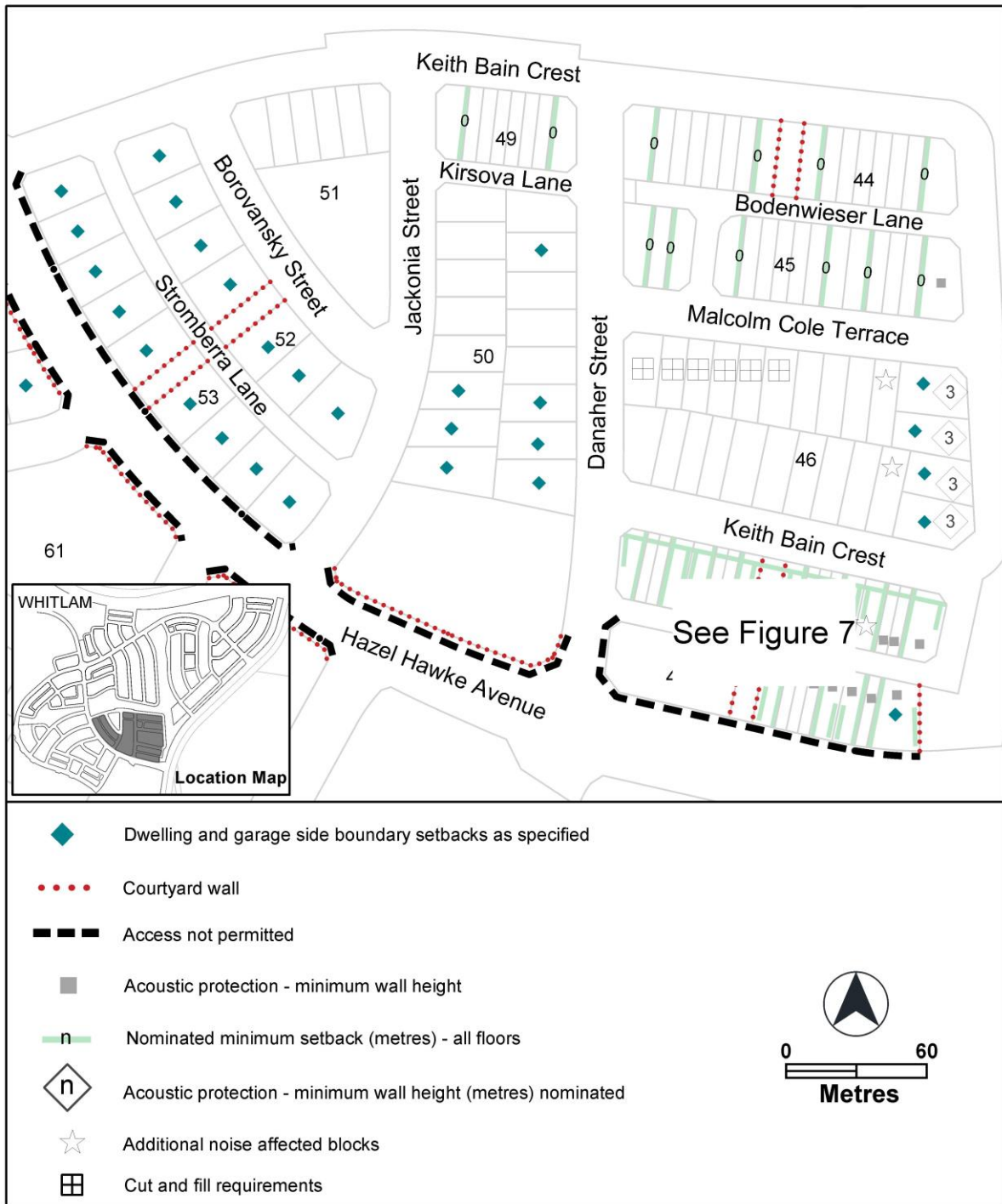


Figure 6 Whitlam residential area 6

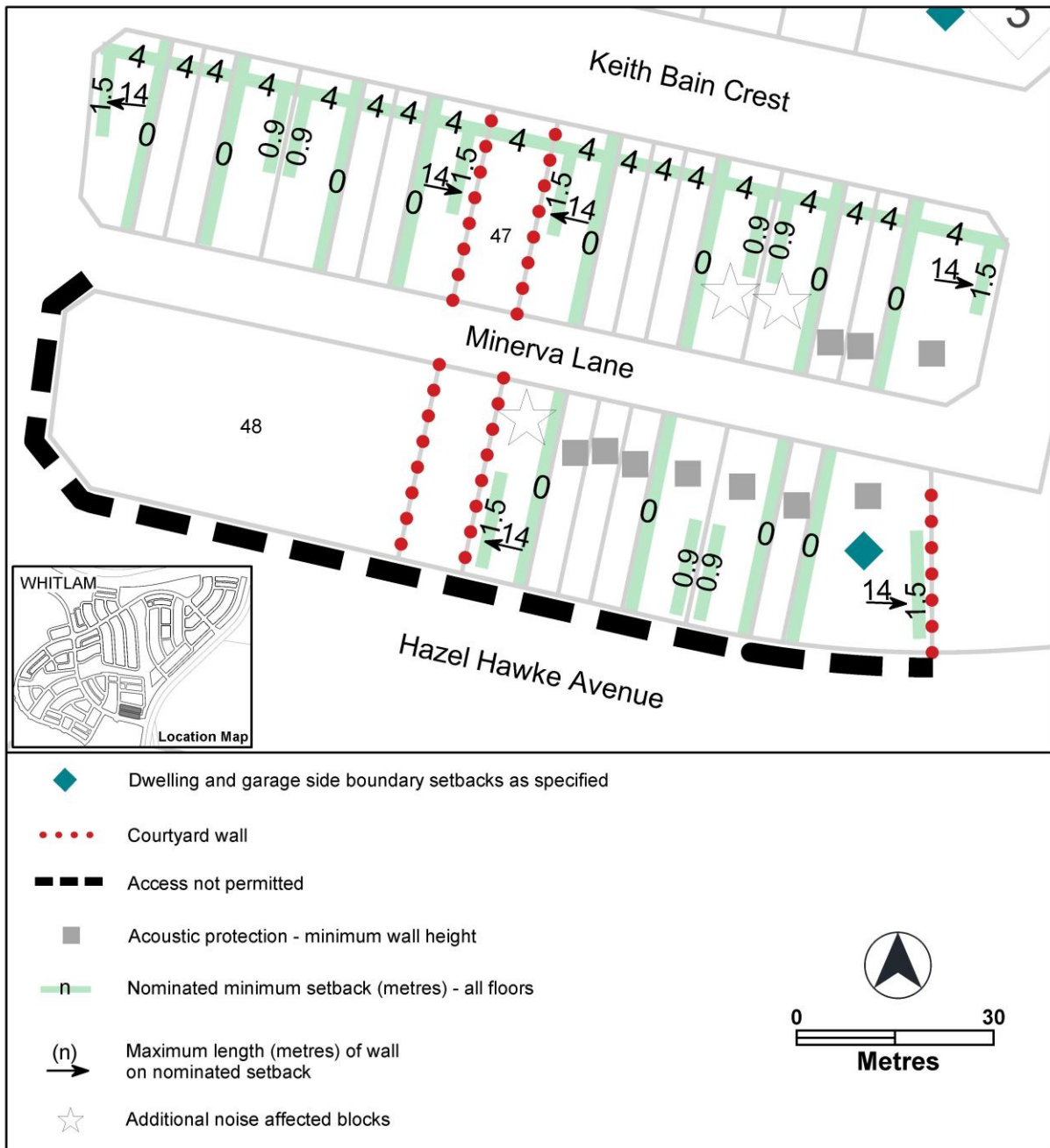


Figure 7 Whitlam residential area 7

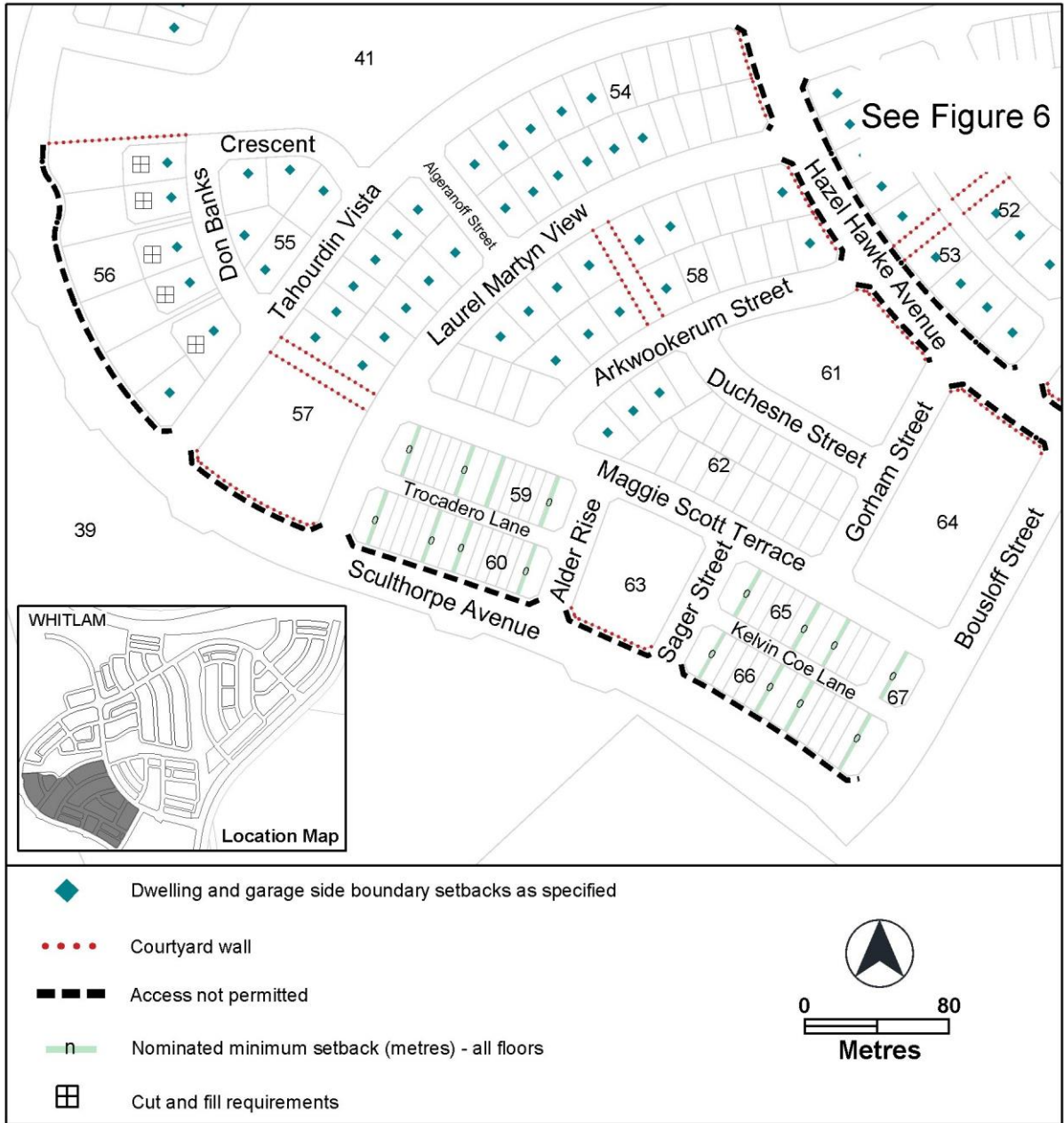


Figure 8 Whitlam residential area 8

Other ongoing provisions

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

OP1 – Whitlam residential area

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

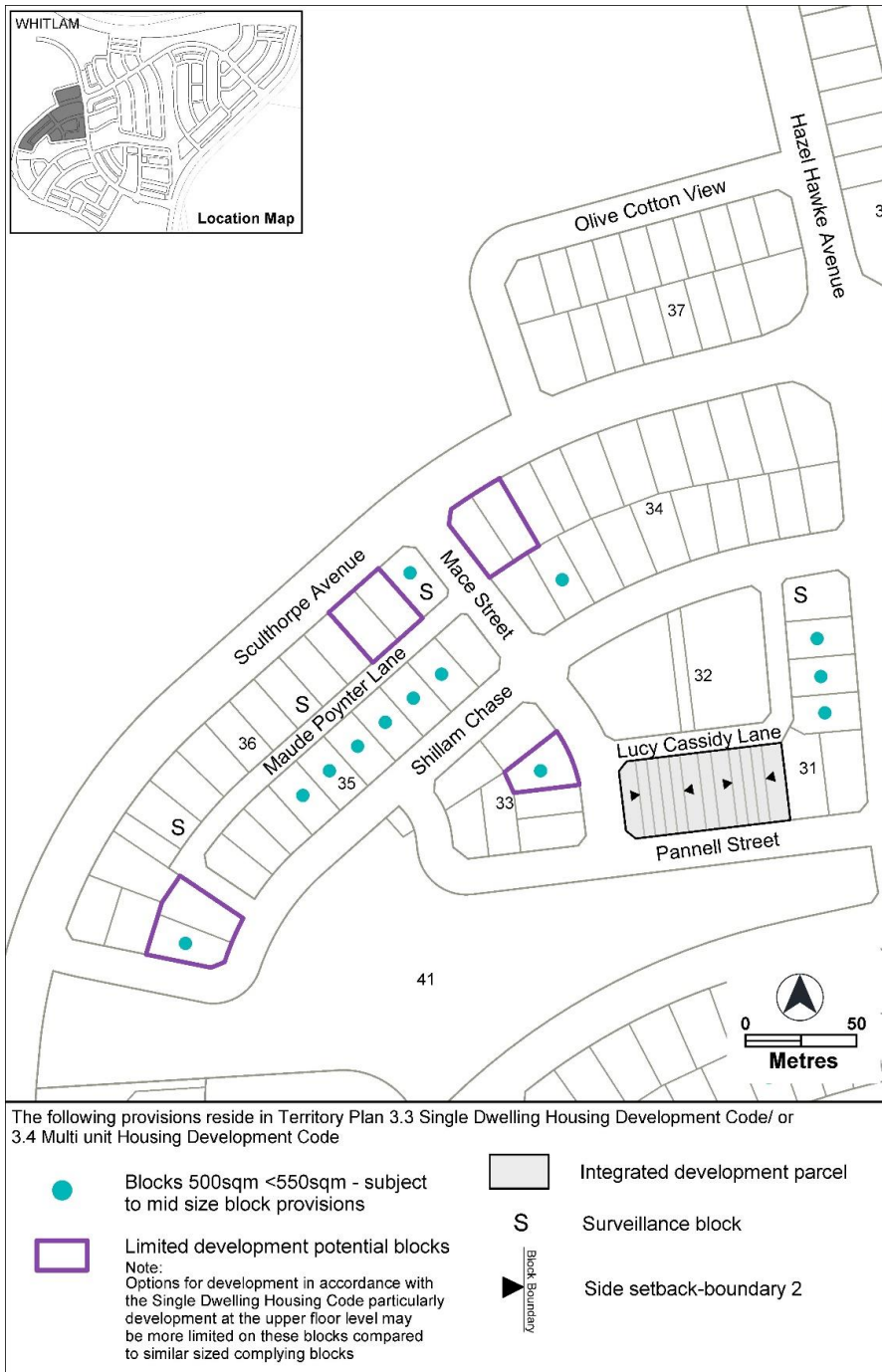


Figure 9 Whitlam residential area ongoing provisions

OP2 – Whitlam residential area

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

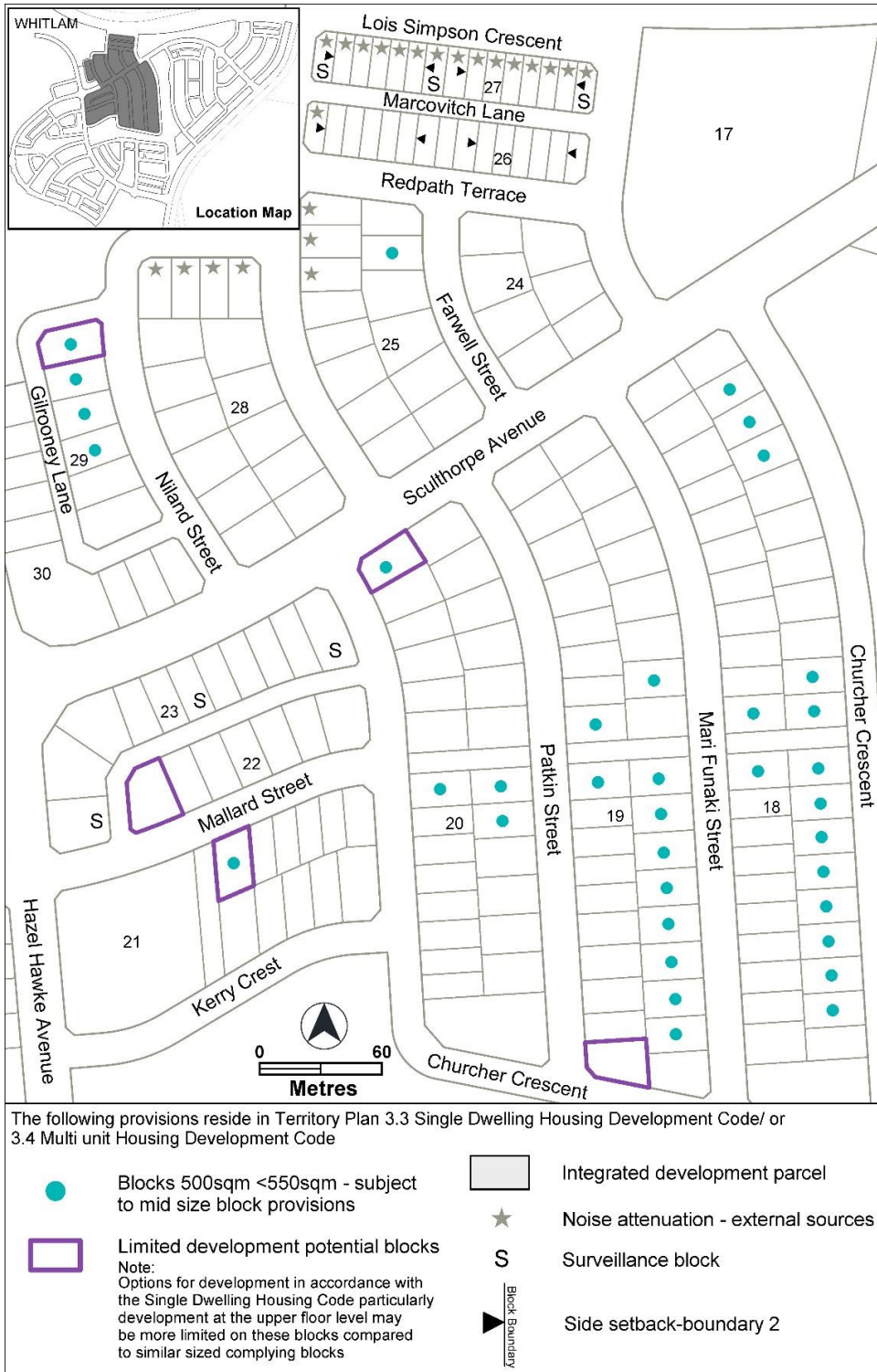


Figure 10 Whitlam residential area ongoing provisions

OP3 – Whitlam residential area

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

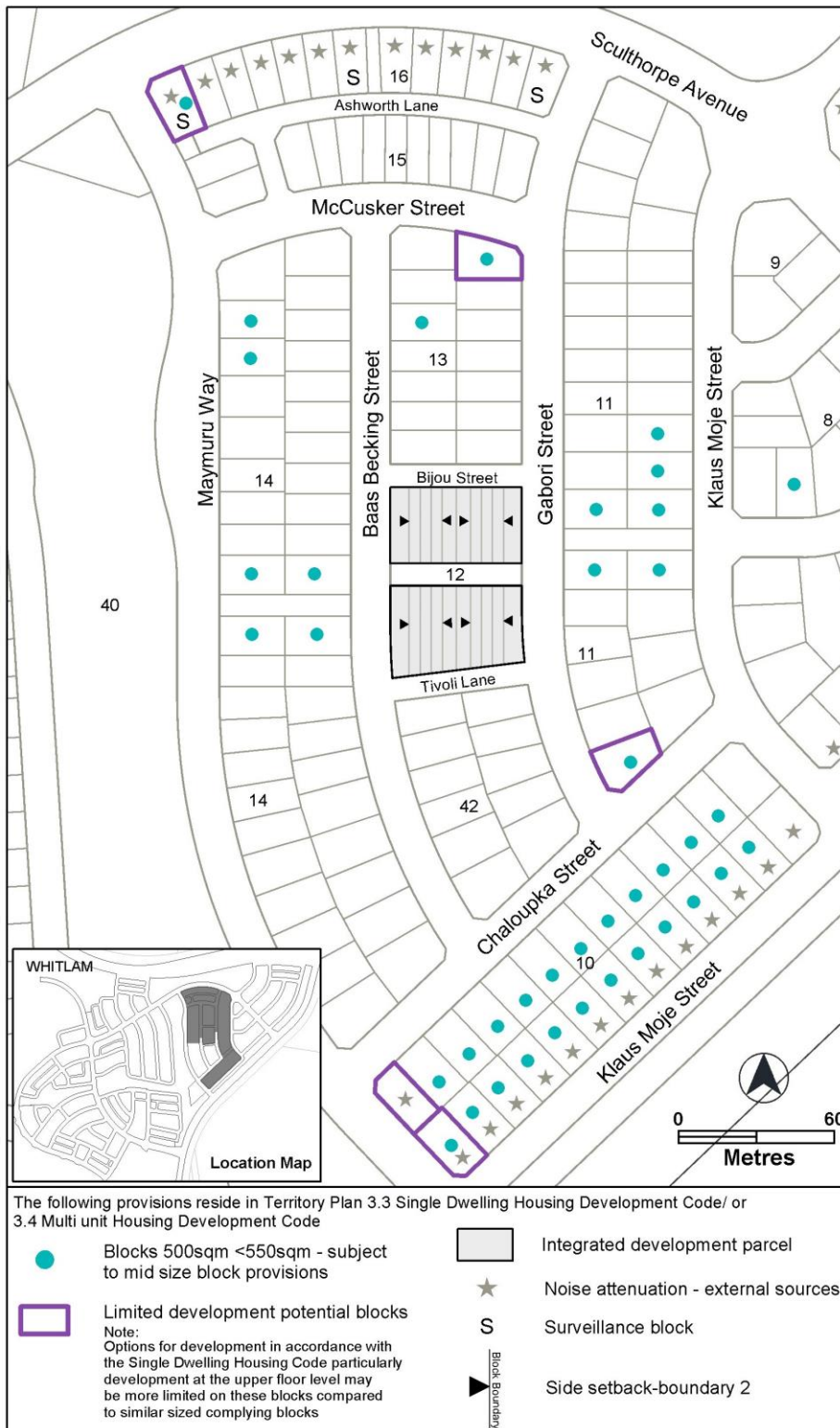


Figure 11 Whitlam residential area ongoing provisions

OP4 – Whitlam residential area

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

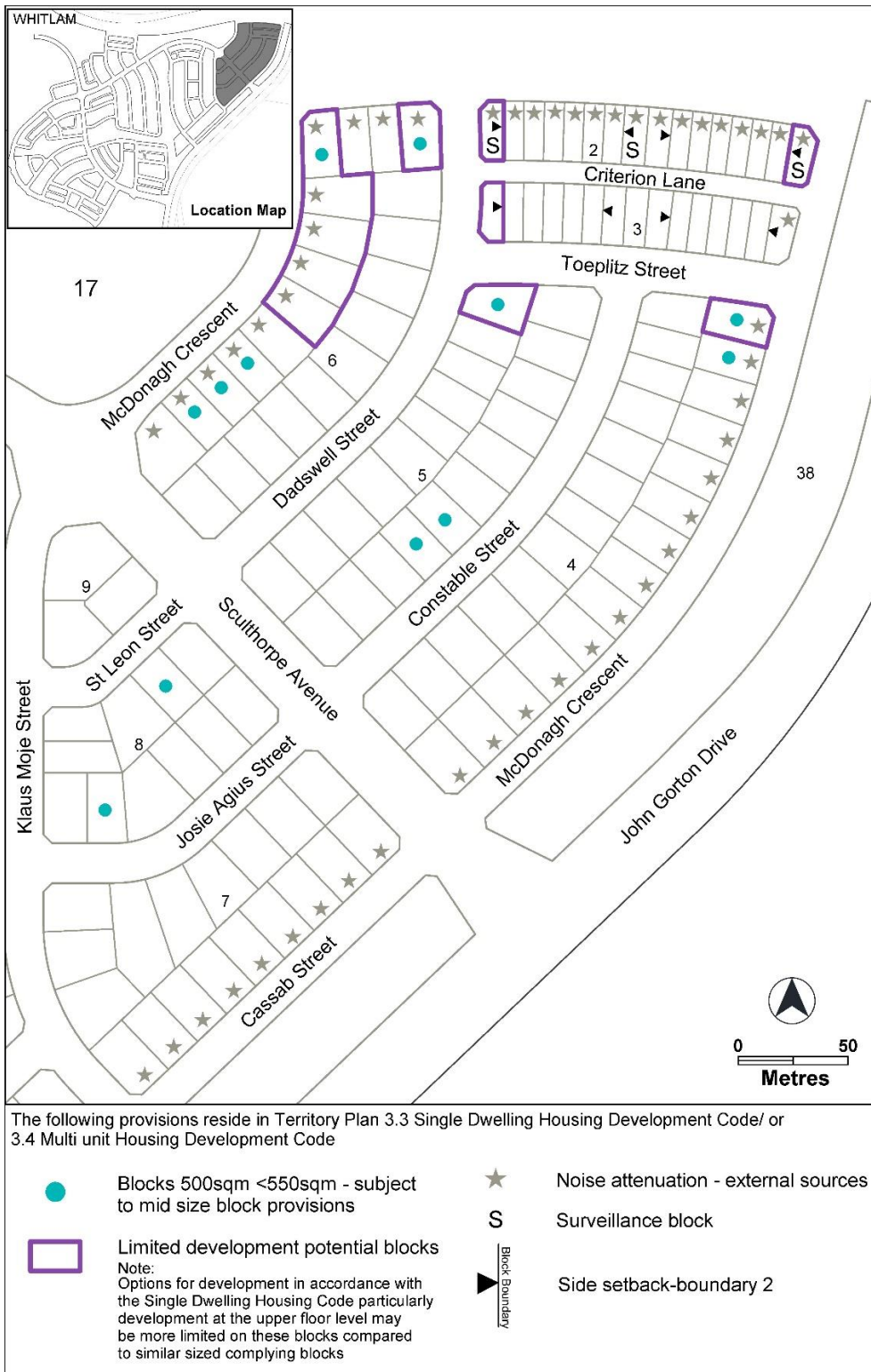


Figure 12 Whitlam residential area ongoing provisions

OP5 – Whitlam residential area

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

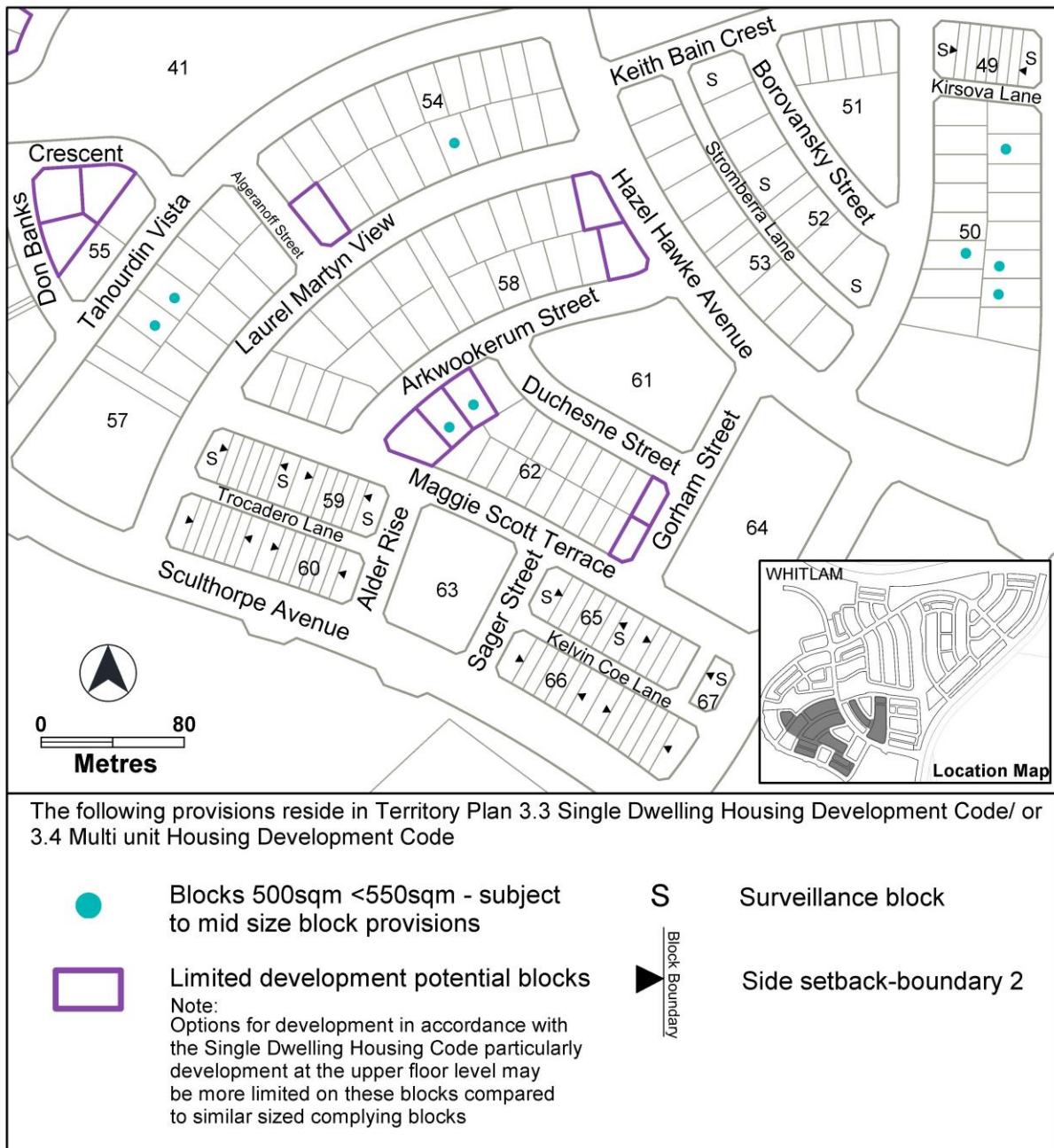


Figure 13 Whitlam residential area ongoing provisions

OP6 – Whitlam residential area

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

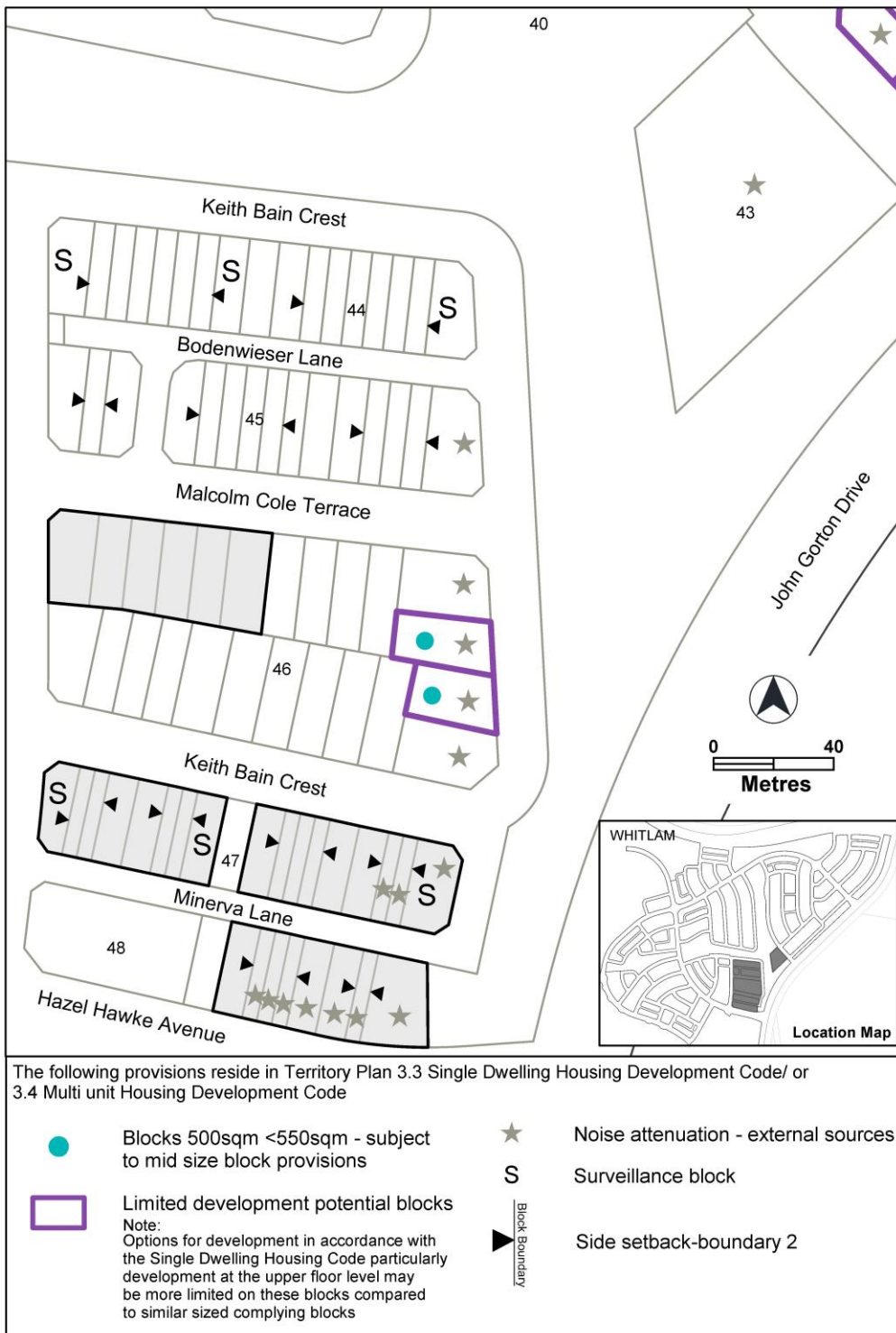


Figure 14 Whitlam residential area ongoing provisions