

Australian Capital Territory

Planning and Development (Technical Amendment—Macnamara) Plan Variation 2023 (No 1)

Notifiable instrument NI2023—660

Technical Amendment No 2023-11

made under the

Planning and Development Act 2007, s 89 (Making technical amendments)

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Macnamara) Plan Variation 2023 (No 1)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Technical amendment

I am satisfied under the *Planning and Development Act 2007*, section 89 (1) (a) that the Macnamara plan variation is a technical amendment to the territory plan.

4 Dictionary

In this instrument:

Macnamara plan variation means the technical amendment to the Territory Plan, variation 2023-11, in the schedule.

Note No consultation was required in relation to the Macnamara plan variation under the Act, s 87.

Freya O'Brien
Delegate of the planning and land authority
25 October 2023



Planning & Development Act 2007

**Technical
Amendment
to the Territory Plan
Variation 2023-11**

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

October 2023

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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 Macnamara, as identified in Part 2 of this document.

Macnamara Precinct Map and Code

- The Macnamara Precinct Map and Code is introduced 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.

TA2022-11 has been prepared in accordance with section 87(1)(c) of the Act.

2. EXPLANATION

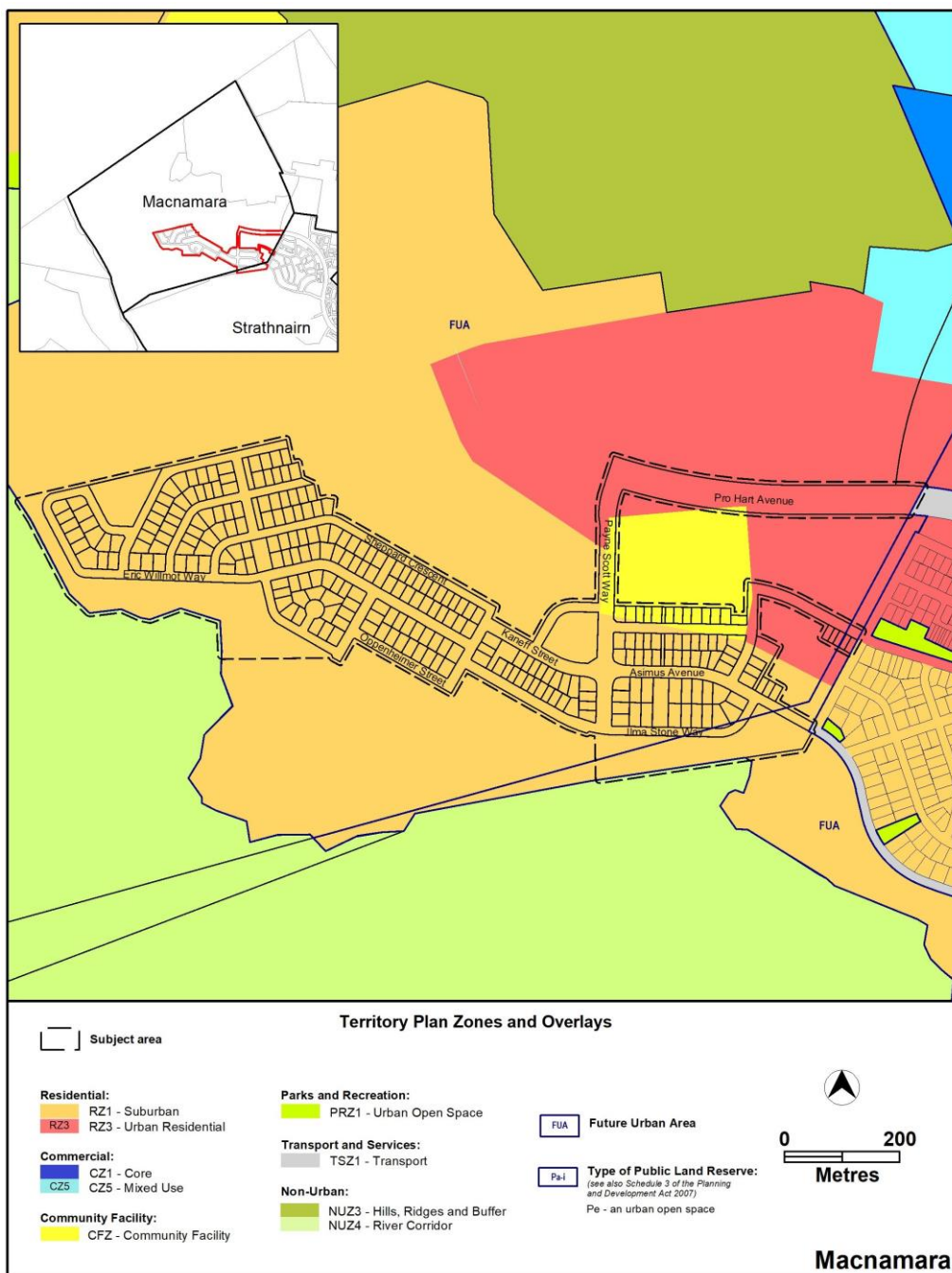
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

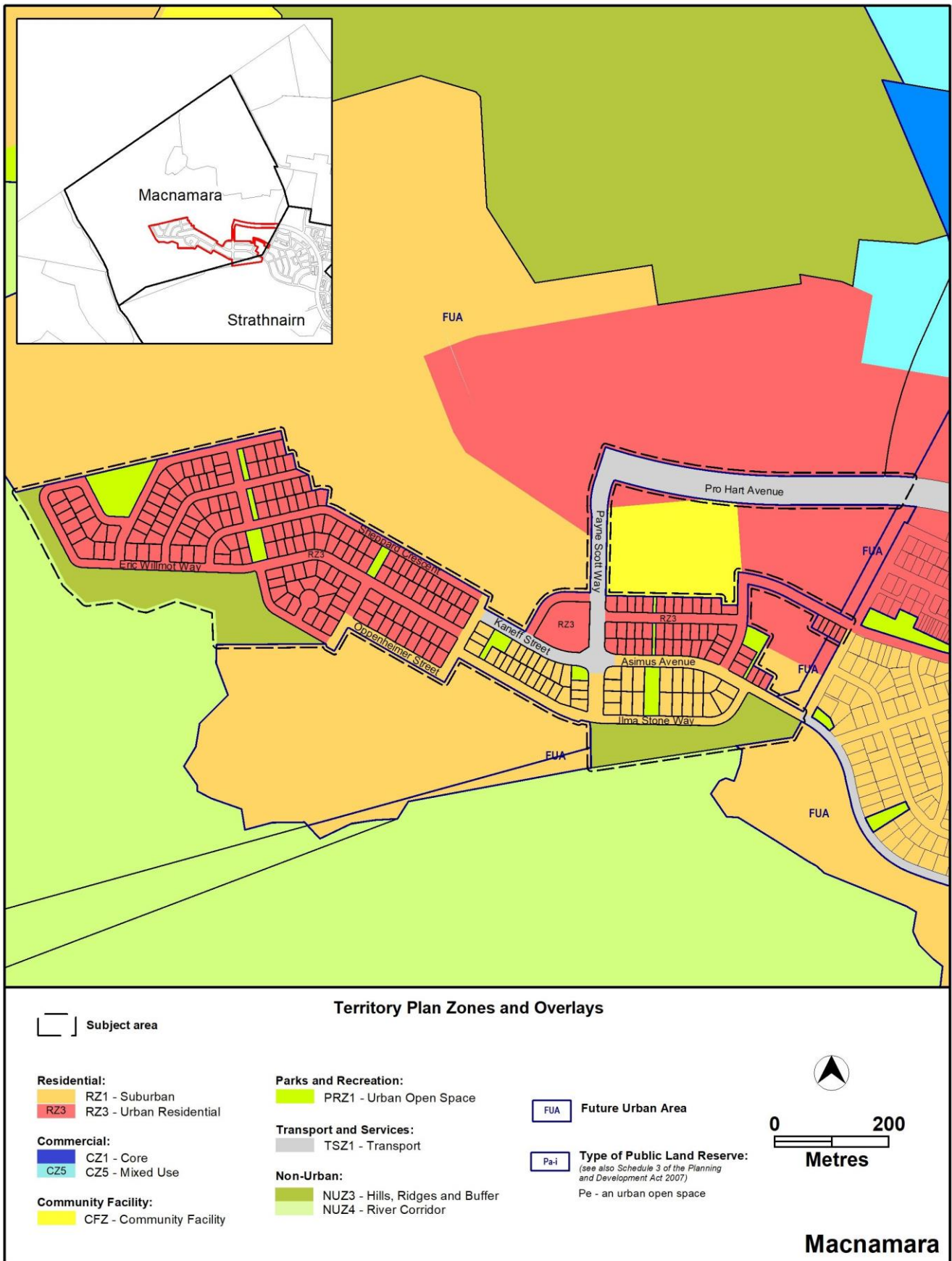
Variation to the Territory Plan

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

Macnamara - Existing Territory Plan Map



Macnamara - Proposed Territory Plan Map



2.2 Macnamara Precinct Map and Code

Introduction of the Macnamara Precinct Map and Code

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

The Macnamara Precinct Map and Code is at Appendix 1.

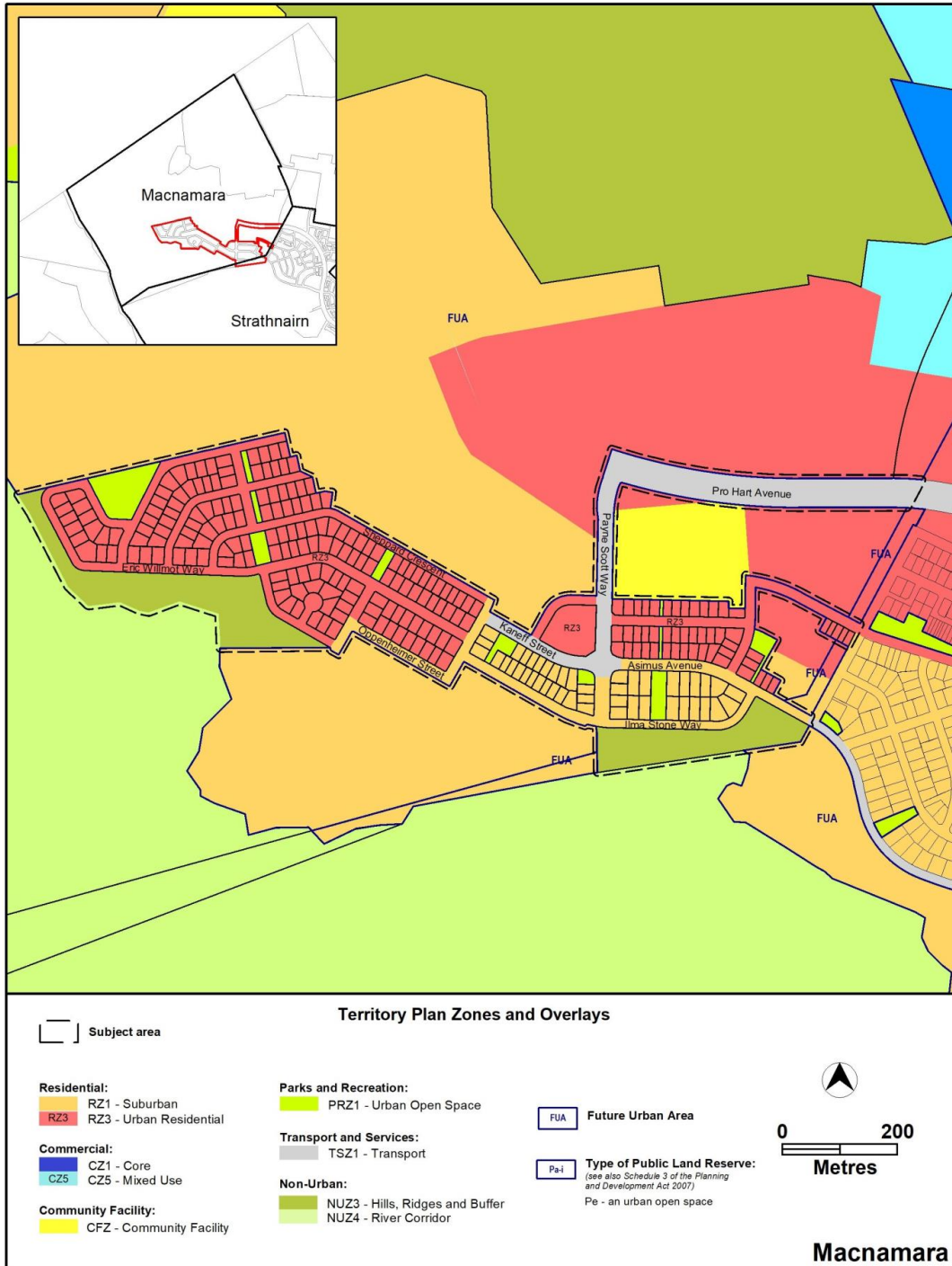
3. TECHNICAL AMENDMENT

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 Territory Plan

2. 10. Precinct Maps and Codes, 10.1 Suburb Precinct Map and Codes, new Macnamara Precinct Map and Code

Insert Appendix 1

Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefoniрајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week



ACT
Government

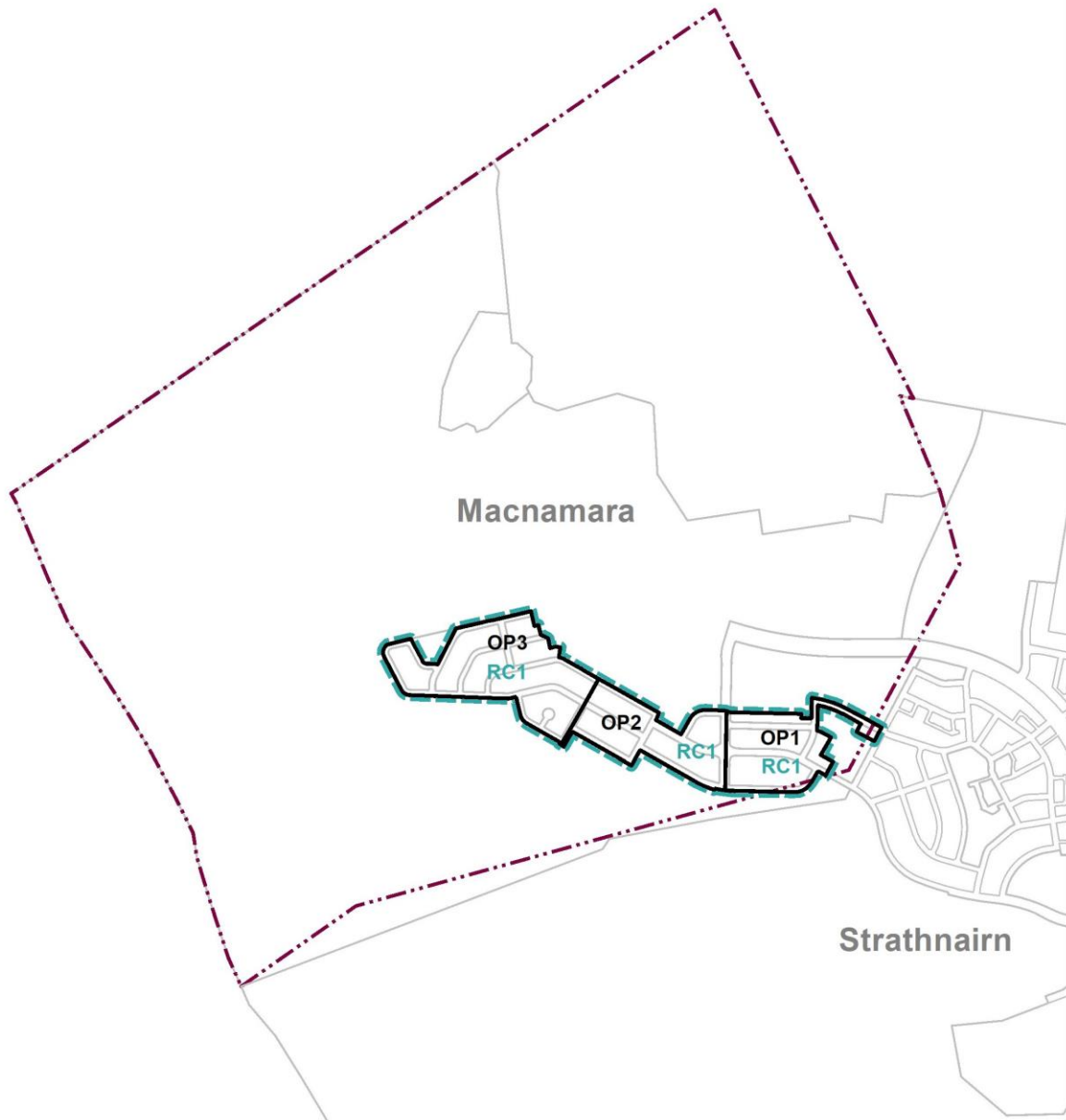
Environment, Planning and
Sustainable Development

Appendix 1

Macnamara Precinct Map and Code

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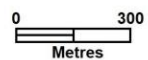
Macnamara Precinct Map



Ongoing provisions apply see Macnamara Precinct Code



Additional rules and criteria apply see Macnamara Precinct Code



Assessment Tracks

No additional provisions apply.

Macnamara Precinct Code

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Introduction

Name

The name of this code is **Macnamara Precinct Code**.

Application

The code applies to the Division of Macnamara.

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, are associated with the respective rule or listed below.

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	Transport Canberra and City Services

Additional rules and criteria

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

RC1 – Residential

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

Element 1: Building and site controls

Rules	Criteria
1.1 Setbacks	
<p>R1</p> <p>Minimum boundary setbacks to lower floor level and/or upper floor level are identified in Figures 4, 5 and 6.</p> <p>This rule does not apply to side setbacks for garages and/or carports.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R2</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4 and 6.</p> <p>Garages must be a minimum of 1.5m behind the front building line.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R3</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4 and 6.</p> <p>Boundary nominated as rear boundary for the purposes of the Single Dwelling Housing Development Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R4</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4 and 6.</p> <p>Boundary nominated as side boundary for the purposes of the Single Dwelling Housing Development Code.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.2 Fencing	
<p>R5</p> <p>This rule applies to nominated boundaries identified in Figures 1, 2 and 3 including all fencing forward of the building line.</p> <p>Courtyard walls are to be provided to nominated boundaries.</p> <p>Materials permitted for F1, F2, F3 and F5 are a combination of solid and semi-transparent elements as follows:</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Rules	Criteria
<ul style="list-style-type: none"> • masonry or stonework; and • if courtyard wall is over 600mm in height the wall must include infill panels that are semi-transparent using materials of dressed or painted hardwood timber or powder coated aluminium slats (openings to be minimum 10mm). <p>Materials permitted for F4 are as follows:</p> <ul style="list-style-type: none"> • dressed or painted hardwood timber or powder coated aluminium slats (openings to be minimum 10mm). <p>All courtyard walls will comply with the following:</p> <ol style="list-style-type: none"> a) Where located above retaining wall greater than 1m, courtyard wall to be set back a minimum of 600mm from the boundary, providing sufficient space for planting. The maximum combined height of the retaining wall and courtyard wall is 2.2m from the adjacent footpath level. b) All walls and fences must accommodate service requirements for water meters and mini pillars and any other required service. Additional setbacks and clearances around services are permitted. c) Courtyard walls will address and define the confluence of front boundaries on corner blocks. <p>Fences are to be constructed in accordance with Table 1.</p>	

Type	Mandatory fencing/courtyard wall	Minimum boundary length	Minimum setback	Mandatory height
F1	Yes	100%	800mm	1.5m
F2	Yes	50%	0m	1.8m
F3	Yes	50%	0m	1.5m
F4	Yes	50%	0m	1.8m
F5	No	50%	0m	1.5m

Table 1 Fencing controls

Element 2: Water sensitive urban design

Rules	Criteria										
2.1 Water tank requirements											
<p>R6</p> <p>This rule applies to blocks or parcels in locations identified in Figures 1, 2 and 3.</p> <p>Nominated locks are subject to water tank size requirements as follows:</p> <table border="1" data-bbox="220 551 798 857"> <thead> <tr> <th>Block size (m²)</th> <th>Mandatory minimum tank size (kL)</th> </tr> </thead> <tbody> <tr> <td>>251 - 350</td> <td>2</td> </tr> <tr> <td>>351 - 599</td> <td>4</td> </tr> <tr> <td>> 600 - 800</td> <td>8</td> </tr> <tr> <td>> 801</td> <td>10</td> </tr> </tbody> </table> <p>Rainwater tanks must be installed in accordance with R43 of the Single Dwelling Housing Code including minimum roof capture areas and internal and external connection requirements.</p>	Block size (m ²)	Mandatory minimum tank size (kL)	>251 - 350	2	>351 - 599	4	> 600 - 800	8	> 801	10	<p>This is a mandatory requirement. There is no applicable criterion.</p>
Block size (m ²)	Mandatory minimum tank size (kL)										
>251 - 350	2										
>351 - 599	4										
> 600 - 800	8										
> 801	10										



Figure 1 Macnamara fencing controls area 1

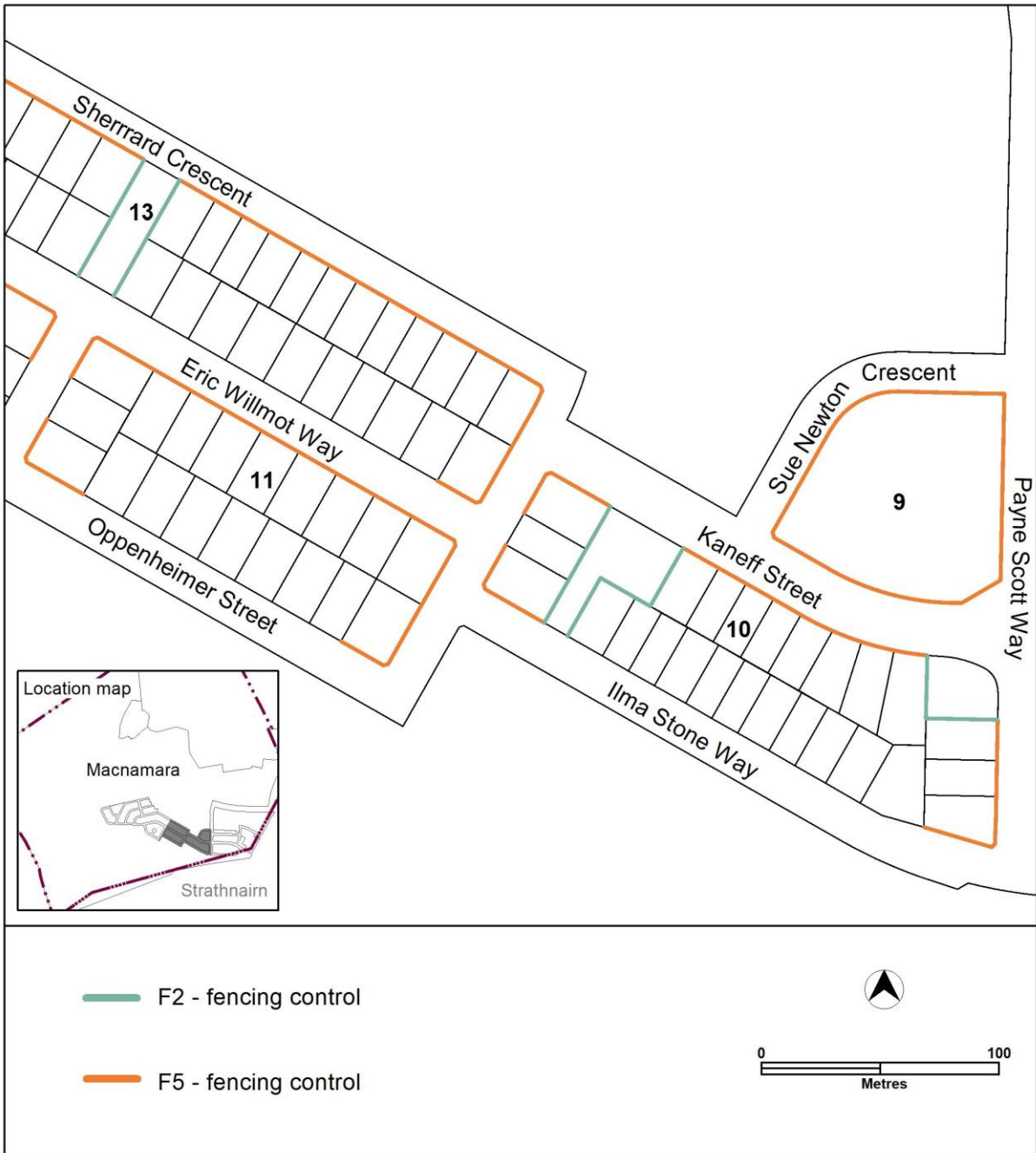


Figure 2 Macnamara fencing controls area 2



Figure 3 Macnamara fencing controls area 3



Figure 4 Macnamara residential area 1

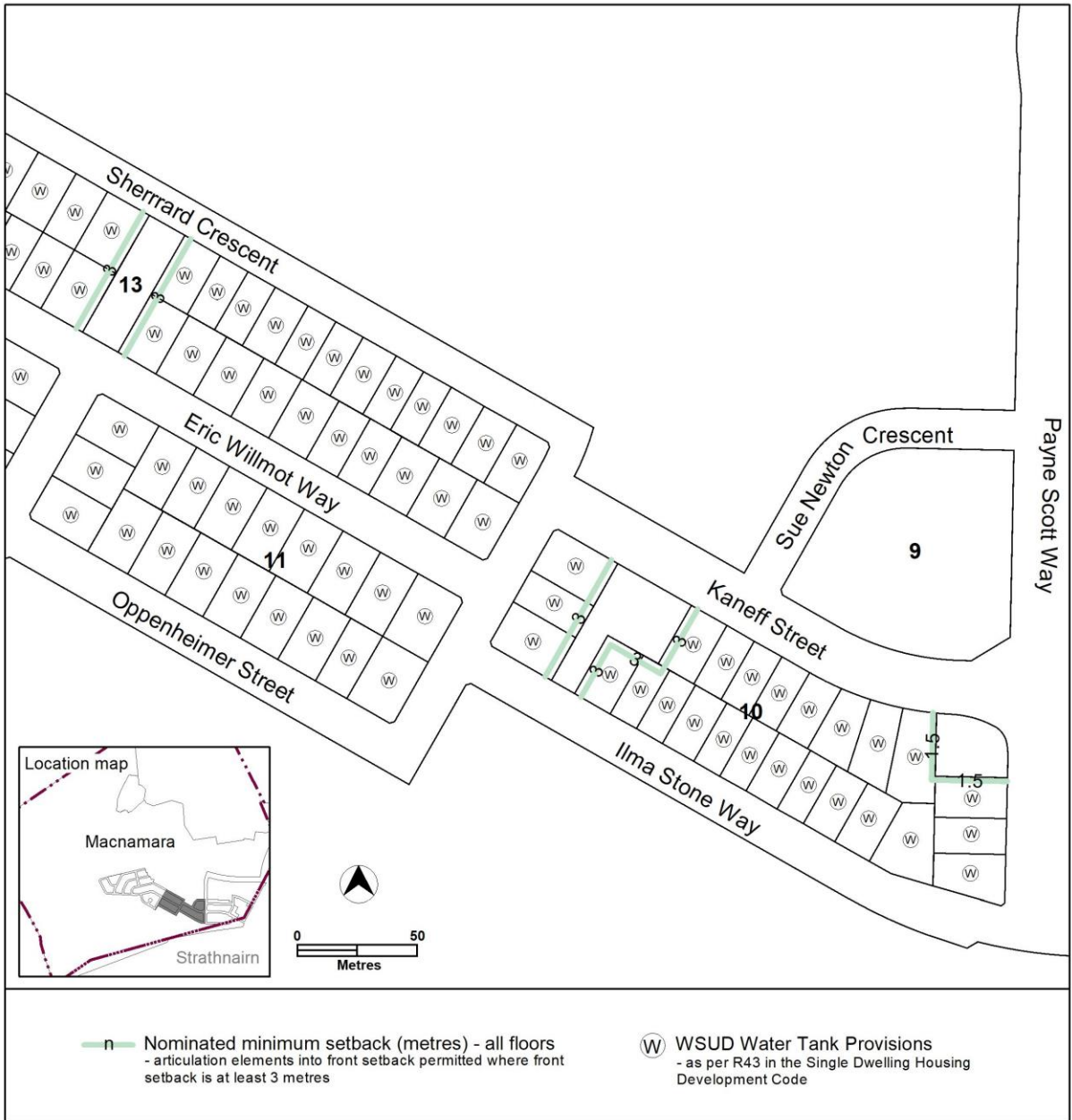
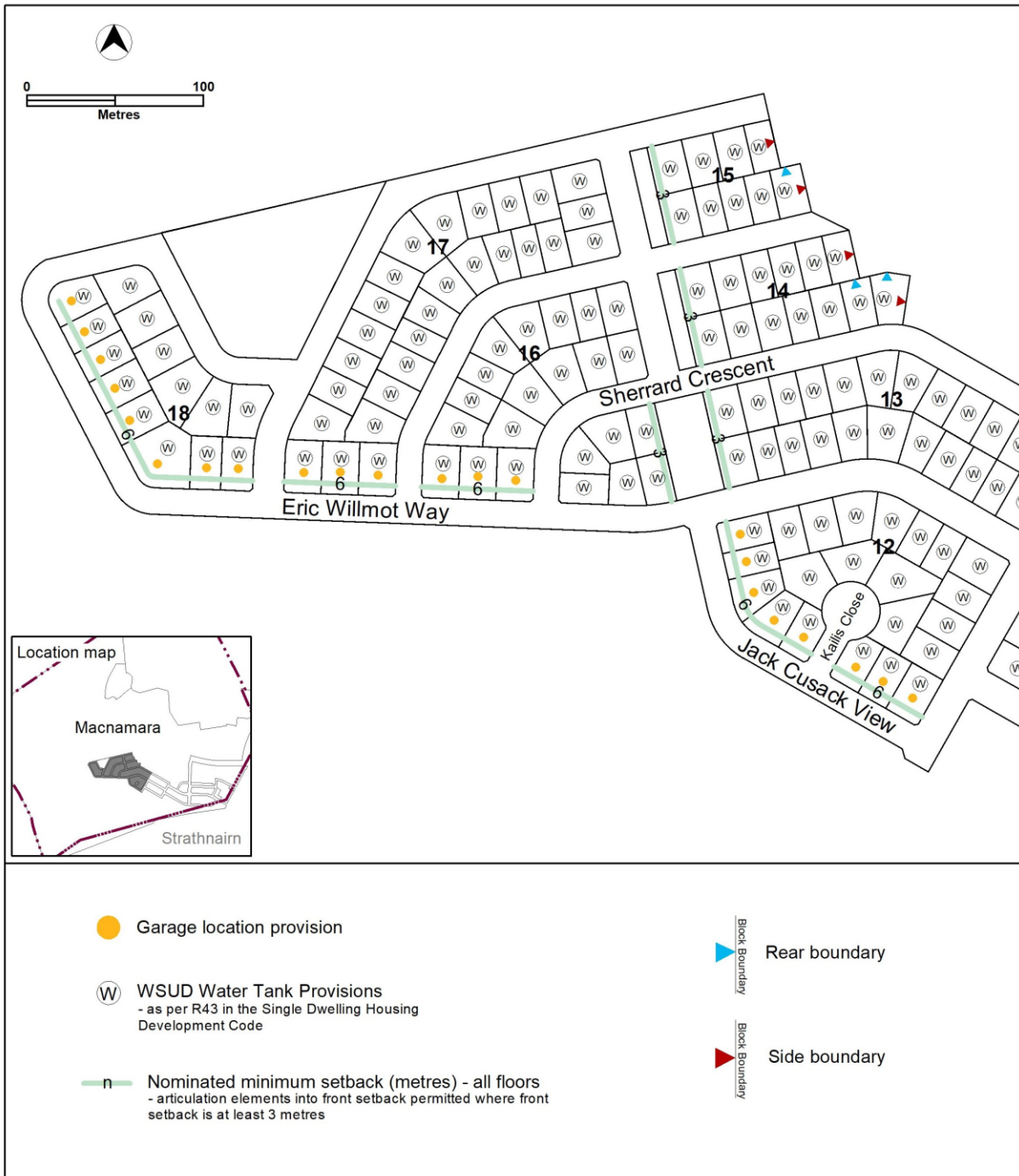


Figure 5 Macnamara residential area 2



Other ongoing provisions

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

OP1 Ongoing Provisions – Macnamara residential area

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

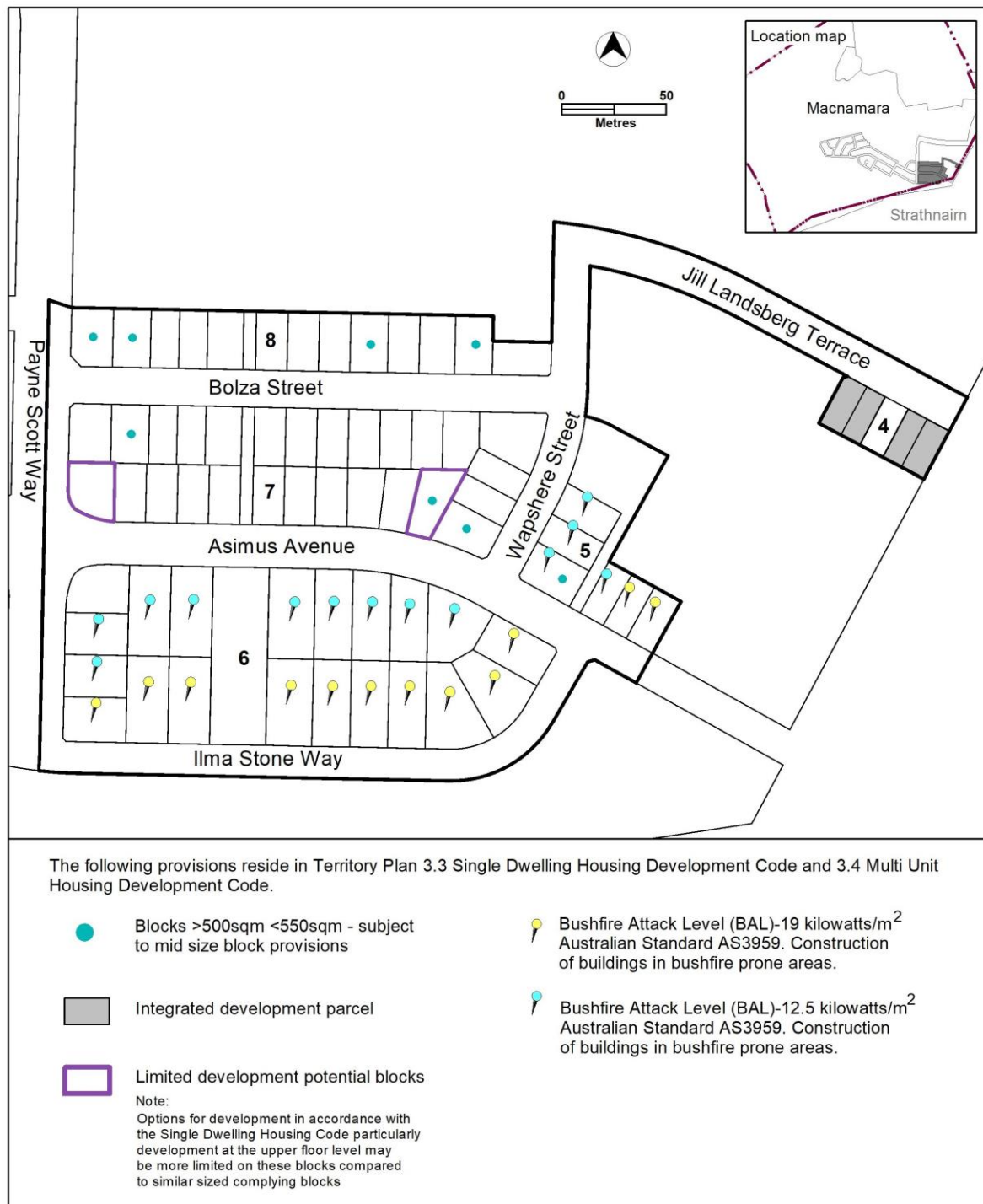


Figure 7 Macnamara residential ongoing provisions

OP2 Ongoing Provisions – Macnamara residential area

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

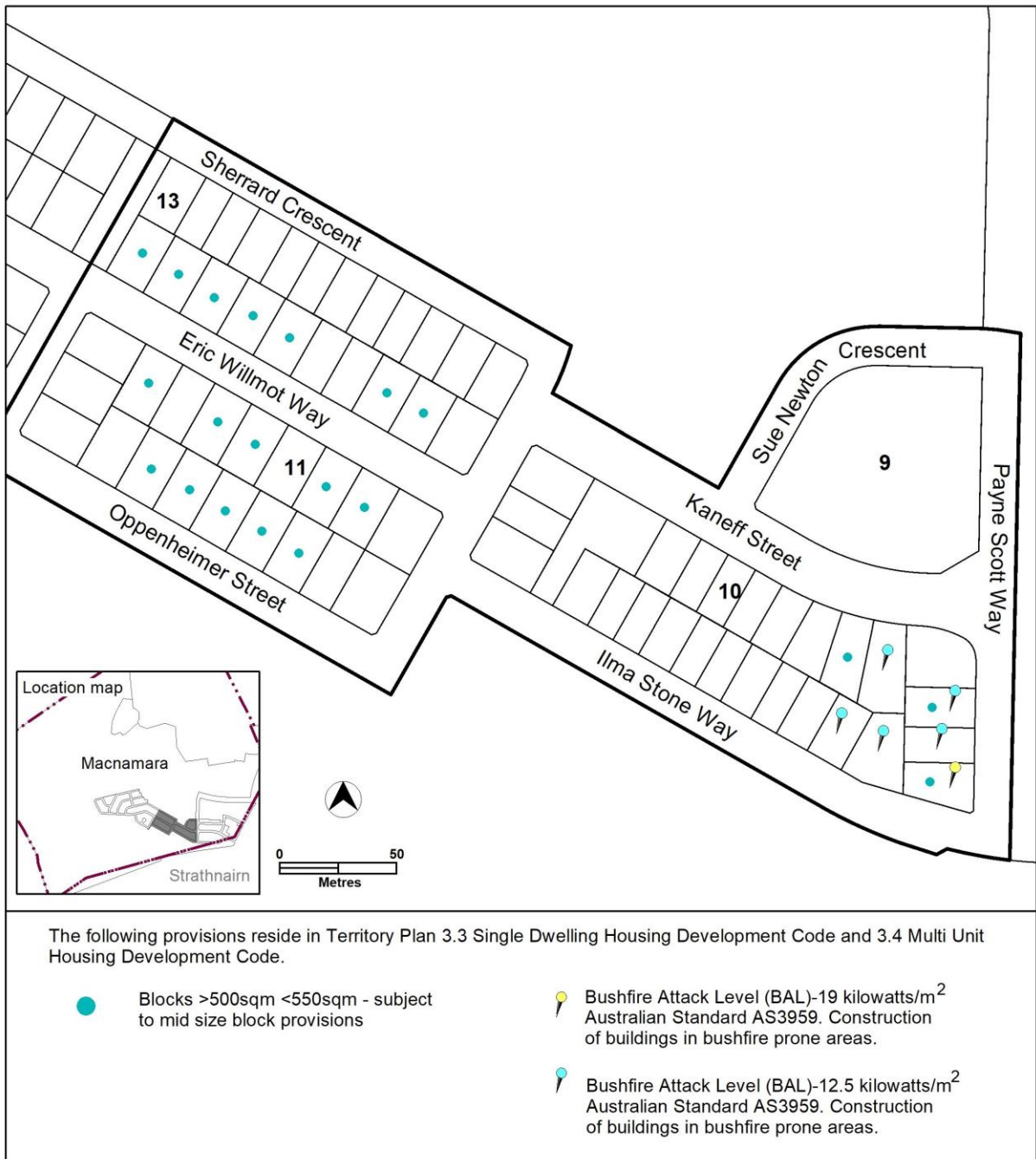


Figure 8 Macnamara residential ongoing provisions

OP3 Ongoing Provisions – Macnamara residential area

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

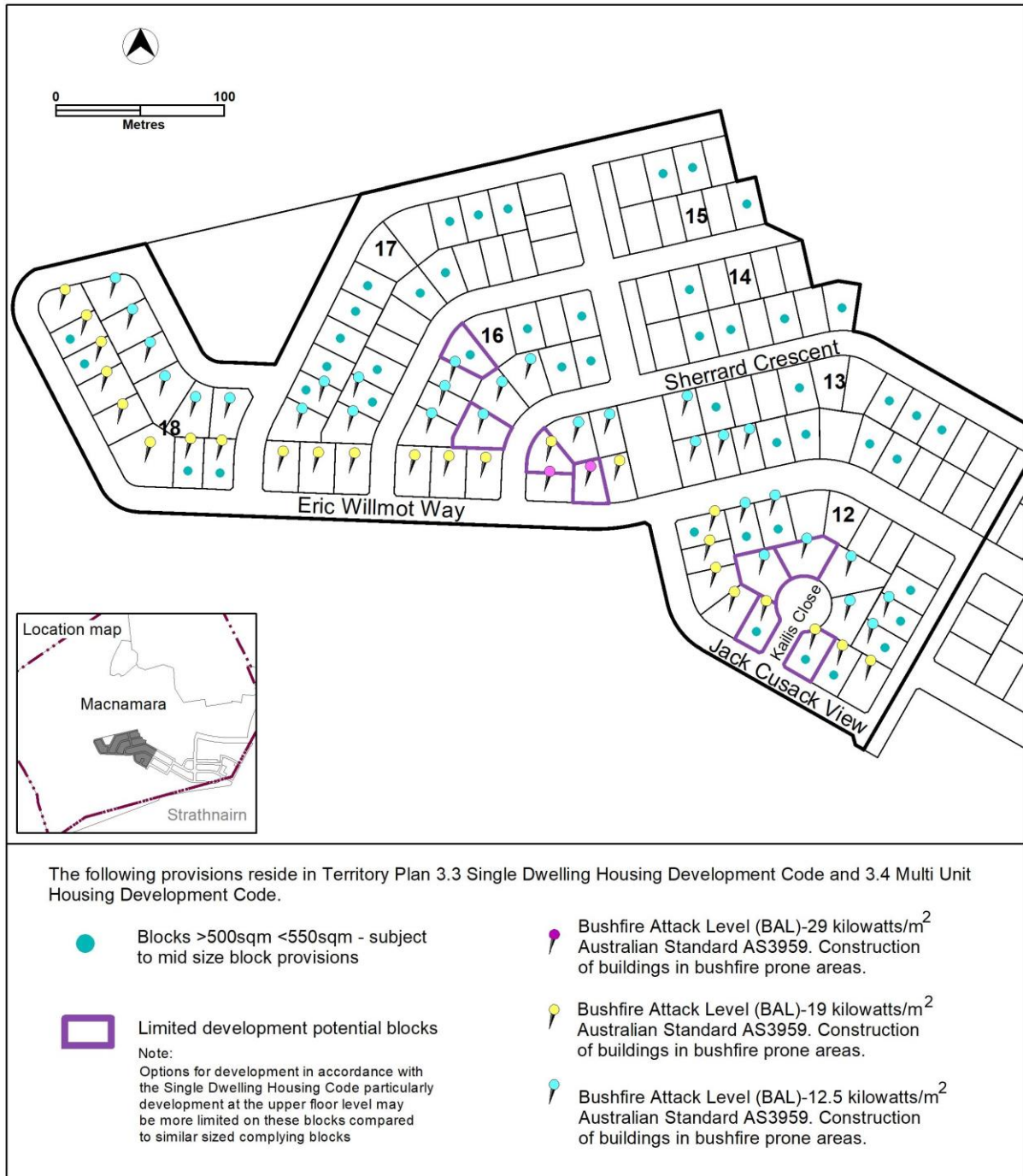


Figure 9 Macnamara residential ongoing provisions