

# Planning (Miscellaneous Changes) Minor Plan Amendment 2023

Notifiable instrument NI2023-769

made under the

Planning Act 2023, s 85 (Making minor plan amendments)

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## 1 Name of instrument

This instrument is the *Planning (Miscellaneous Changes) Minor Plan Amendment 2023\**.

## 2 Commencement

This instrument commences on 5 December 2023.

## 3 Minor plan amendment

I am satisfied under section 85 (1) (a) of the *Planning Act 2023* that Minor Plan Amendment 2023-a is a minor plan amendment to the Territory Plan.

## 4 Dictionary

In this instrument:

*Minor Plan Amendment 2023-a to the Territory Plan* means the minor plan amendment in schedule 1.

Freya O'Brien  
Delegate of the territory planning authority

4 December 2023

\*Name amended under Legislation Act, s 60

Schedule 1



**ACT**  
Government

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Environment, Planning  
and Sustainable  
Development

# **MINOR PLAN AMENDMENT TO THE TERRITORY PLAN**

## **2023–a**

### **Miscellaneous amendments**

December 2023

This minor plan amendment was prepared  
under part 5.3 of the *Planning Act 2023*

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# 1.0 INTRODUCTION

## 1.1 Outline of the process

Minor plan amendment 2023 – a (MA2023-a) to the Territory Plan is minor plan amendment (MA) prepared under section 84 (1) of the *Planning Act 2023* (the Planning Act).

Section 84 of the Planning Act outlines the different types of MAs. This MA is a type of MA under the *Planning Act 2023* that does not require limited consultation to be undertaken.

The MA is not inconsistent with the planning strategy or any relevant district strategy.

Further details of the changes are contained in section 2 of this document.

For more information on the content of the Territory Plan and minor plan amendment processes please refer to the Environment, Planning and Sustainable Development (EPSDD) website <https://www.planning.act.gov.au/professionals/our-planning-system/the-territory-plan/amendments-to-the-territory-plan>

## 1.2 Summary of the proposal

MA2023–a proposes to:

- address drafting errors and omissions in the interim Territory Plan, aiming to improve readability and clarification of provisions;
- remove the future urban area overlay and add provisions included in the Territory Plan 2008 through the technical amendment process following the approval of estate development plans;
- remove redundant future urban area overlay, and
- add a place-specific new design guide into Part A - Administration and Governance

## 2.0 PROPOSED TERRITORY PLAN CHANGES

This section contains details of the proposed changes to be made to the Territory Plan.

MA2023-a proposes changes to parts of the following Territory Plan documents:

- Part A - Administration and Governance
- Part B - Territory Plan Maps
- Part D2 - Belconnen District Policy
- Part D3 - Inner North and City District Policy
- Part D4 - Inner South District Policy
- Part D5 - Molonglo District Policy
- Part D7 - Woden District Policy
- Part D8 - Tuggeranong District Policy
- Part E1 - Residential Zones Policy
- Part E3 – Industrial Zones Policy, and
- Part G - Dictionary

### 2.1 Part A - Administration and Governance

The Minister has made the new place-specific 'City Centre Urban Design Guide'. It is added as a design guide to Part A- Administration and Governance.

### 2.2 Part B - Territory Plan Maps

#### Technical amendments

Following the preparation of the interim Territory Plan, there were subsequent technical amendments to the former Territory Plan which resulted in changes to zones and overlays that were not included in the interim Territory Plan. These technical amendments included:

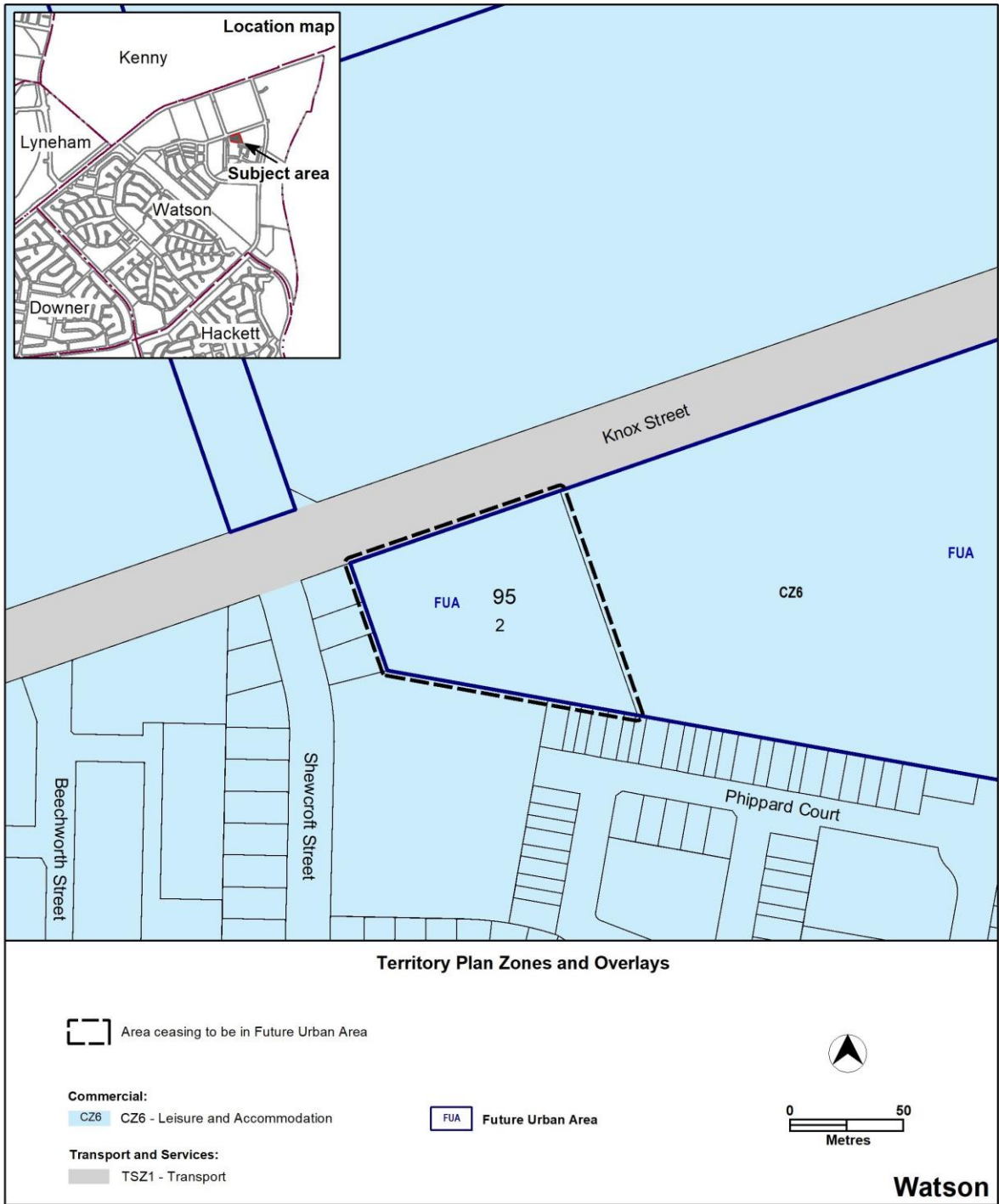
- TA2023-01 Strathnairn Future Urban Area (FUA) uplift
- TA2023-06 Changes to public land overlay boundaries (Casey and Rendezvous Creek)
- TA2023-08 Wright FUA uplift
- TA2023-09 Lawson FUA uplift
- TA2023-11 Macnamara FUA uplift
- TA2023-13 Denman Prospect FUA uplift

The changes to the Territory Plan Map are detailed in part 3 of this document.

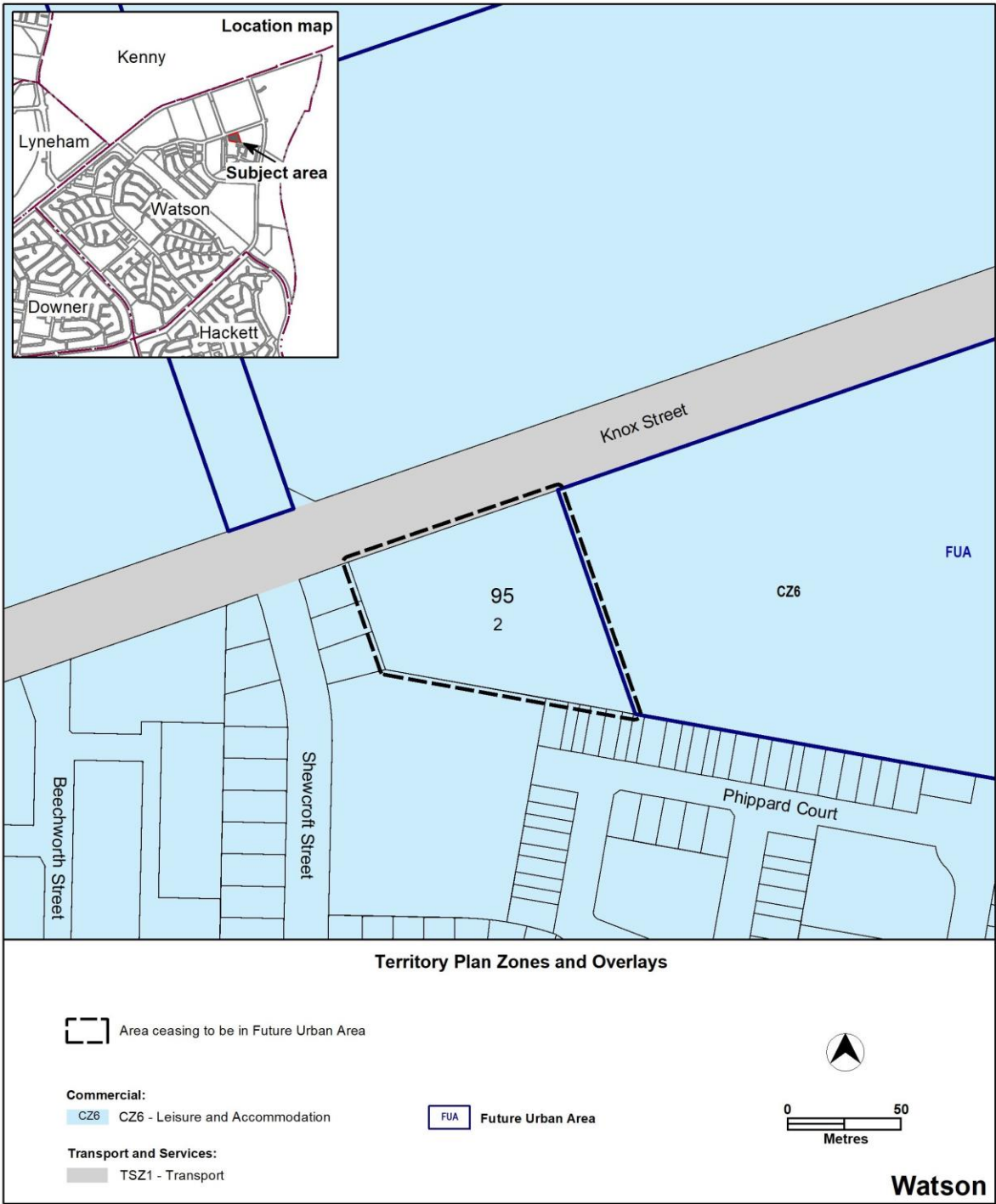
#### Watson

Watson section 95 block 2 contains a church, ancillary meeting rooms and car parking. This development was approved in 2010. The land is zoned commercial CZ6 Leisure and Accommodation which permits place of worship and is consistent with the Territory Plan. The future urban area (FUA) overlay applies to the land, however it was an omission that the FUA was not removed. The FUA applying to block 2 is considered to be a redundant provision and is being removed.

Existing Territory Plan Map



Proposed Territory Plan Map



### 2.3 Part D2 - Belconnen District Policy

Two errors in Part D2 Belconnen District Policy are:

- In 4. Assessment Outcomes, the word Gungahlin is erroneously included in the text, instead of Belconnen.
- The Bruce Precinct Map (Figure 12) erroneously refers to MT (additional merit track development) instead of AD (Additional Assessable Development).

Technical amendment TA2023-09 uplifted part of the future urban area (FUA) in Lawson and introduced provisions in the Lawson Precinct Map and Code. The Belconnen District Policy is being amended to include these provisions.

### 2.4 Part D3 - Inner North and City District Policy

When transferring relevant provisions from the Lyneham Precinct Map and Code of the old Territory Plan 2008 into the interim Territory Plan 2023:

- the land use *Indoor entertainment facility* was unintentionally omitted from the Additional Assessable Development table for Lyneham, CZ5.
- the provision relating to Kamberra Estate, Lyneham on gross floor area for all shops was unintentionally omitted.
- The Lyneham Division Map (Figure 4) is missing the depiction of AD4 (Additional Assessable Development) and PD3 (Prohibited Development).

When transferring relevant provisions from the Northbourne Avenue Corridor Precinct Map and Code of the old Territory Plan 2008, into the interim Territory Plan 2023, the provision and related figure on Active mid-block links were unintentionally omitted.

Technical amendment TA2023-12 amended rule R33 in the Lyneham Precinct Map and Code to reduce the front boundary setback from 6m to 4m along Swinden Street. The Inner North and City District Policy is being amended to include this change.

### 2.5 Part D4 - Inner South District Policy

When transferring relevant provisions from the Deakin Precinct Map and Code of the old Territory Plan 2008, into the interim Territory Plan 2023, the provisions relating to front boundary setbacks in the Assessment Outcomes, and maximum height of buildings in the Assessment Requirements, erroneously refer only to Section 8 Deakin, instead of Sections 5, 6, 7 and 8 Deakin.

When transferring relevant provisions from the Kingston Precinct Map and Code of the old Territory Plan 2008 into the interim Territory Plan 2023, the provision relating to building height exclusions was unintentionally omitted.



Technical amendment TA2023-12 amended the Fyshwick Precinct Map and Code to include an additional prohibited development area, PD5, along the eastern edge of the Dairy Road development area, Fyshwick section 38 block 11. The prohibited uses in PD5 were added to Table 1 - Additional prohibited development.

Prohibited development area PD3 was amended to reduce its eastern and southern extent, which permits residential uses in this area. The Inner South District Policy is being amended to include these changes.

## **2.6 Part D5 - Molonglo District Policy**

Technical amendment TA2023-05 introduced rule R3A in the Denman Prospect Precinct Map and Code which mandated community activity centre and place of worship on section 59 blocks 33, 34 and 35. The Molonglo District Policy is being amended to include this provision.

In the Assessment Requirements (number 11) for Whitlam, the provision erroneously refers to the incorrect figures.

## **2.7 Part D7 - Woden District Policy**

Technical amendment TA2023-10 amended rule R1 in the Garran Precinct Map and Code to allow some flexibility in the location of the road intersection with Kitchener Street to enable safer vehicular access to the proposed retirement village within the Federal Golf Course. It also extended the northern boundary of the RC1 area to accommodate the proposed road within section 10 block 76. The Woden District Policy is being amended to include these changes.

The Land Use Table includes the wrong figure references for Phillip, meaning the areas identified in Figure 2 do not align with the relevant zones.

## **2.8 Part D8 - Tuggeranong District Policy**

When transferring relevant provisions from the Greenway Precinct Map and Code of the old Territory Plan 2008, into the interim Territory Plan 2023, the provisions relating to building height exclusions in the assessment outcomes were unintentionally omitted for Greenway-Tuggeranong Town Centre and for Greenway-Lakeside Residential area.

The draft version of the new Territory Plan that was released for public consultation in November 2022 did not contain mandatory building heights for the Calwell Group Centre in the Tuggeranong District Policy. The mandatory height limits for Calwell Group Centre were inadvertently put back into the Tuggeranong District Policy when changes were made to the Territory Plan following consultation and therefore are being removed.

## 2.9 Part E1 - Residential Zones Policy

When preparing the new Territory Plan 2023, a policy decision was made to remove the restriction of an attic above two storeys in the residential suburban zone (RZ1). This policy position is outlined in the Territory Plan Explanatory Report 2023. In the Assessment Requirements relating to the number of storeys in RZ1, the provision that restricted an attic above two storeys in RZ1 is erroneously included in the Part E1 Residential Zoned Policy.

## 2.10 Part E3 - Industrial Zones Policy

The policy outcomes of the Industrial Zones Policy erroneously refer to the IZ2 zone as Business zone instead of IZ2- Mixed use zone.

## 2.11 Part G - Dictionary

The title page of the Part G Dictionary is erroneously titled Part G Definitions.

In Table 1 of the Definitions, there are incorrect references to the Planning Act. In three instances, the definitions erroneously refer to the Planning Act 2022, instead of the Planning Act 2023.

In Table 2 of the Definitions, the second sentence of the front boundary definition is incorrect and was inadvertently included.

The changes noted above that correct errors and omissions in the interim Territory Plan meet the MA requirements under:

84(1)(a) of the Planning Act, in that changes

- (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.

The removal of future urban area overlays and additional provisions included in the Territory Plan 2008 through the technical amendment process following the approval of estate development plans meet the MA requirements under 84(1)(c) of the Planning Act, as they are an amendment, other than one to which subsection (2) (b) applies, in relation to a subdivision design application under section 44 (Effect of approval of subdivision design application).

The addition of the City Centre Urban Design Guide in Part A- Administration and Governance of the Territory Plan meets the MA requirements under 84(1)(e) of the Planning Act, as it is an amendment to add or change a reference to a design guide.

The removal of the redundant future urban area overlay in Watson meets the MA requirements under 84(1)(f) of the Planning Act as it is an amendment to omit something that is obsolete or redundant in the Territory Plan.

### 3.0 TERRITORY PLAN AMENDMENT INSTRUCTIONS

This section provides the legal instructions for how MA 2023 – A proposes to amend the Territory Plan.

#### 3.1 Part A - Administration and Governance

**1. Part A3. Structure of the Territory Plan. 3.2 Supporting documents, design guides, after Biodiversity Sensitive Urban Design Guide and it's description.**

*insert*

City Centre Urban Design Guide – provides area specific design guidance for the city centre.

*omit*

The dot point from: Other place-specific or theme-based design guides may be prepared and made by the Minister (and convert to a new sentence).

**2. Part A4. How to use the Territory Plan; Applicability of design guides; Place-specific or theme-based Design Guides, first paragraph**

*insert*

City Centre Urban Design Guide

The City Centre Urban Design Guide is a place-specific design guide. Development is required to consider and provide a design response to the City Centre Urban Design Guide where a development requires a development application within the boundaries of the City Centre as defined in the CCUDG.

### 3.2 Part B - Territory Plan Maps

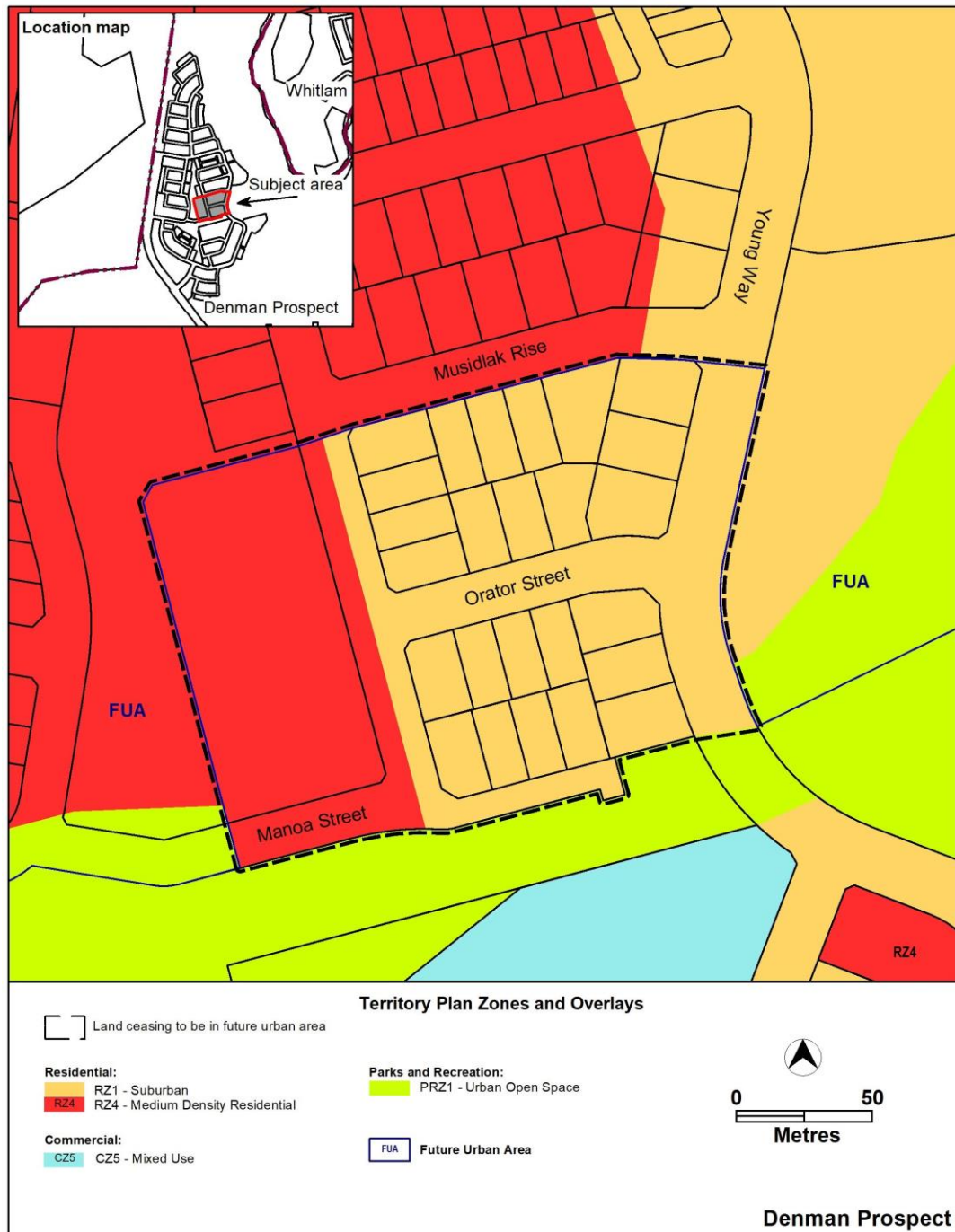
#### 3. Casey

The Territory Plan map is varied as indicated below.



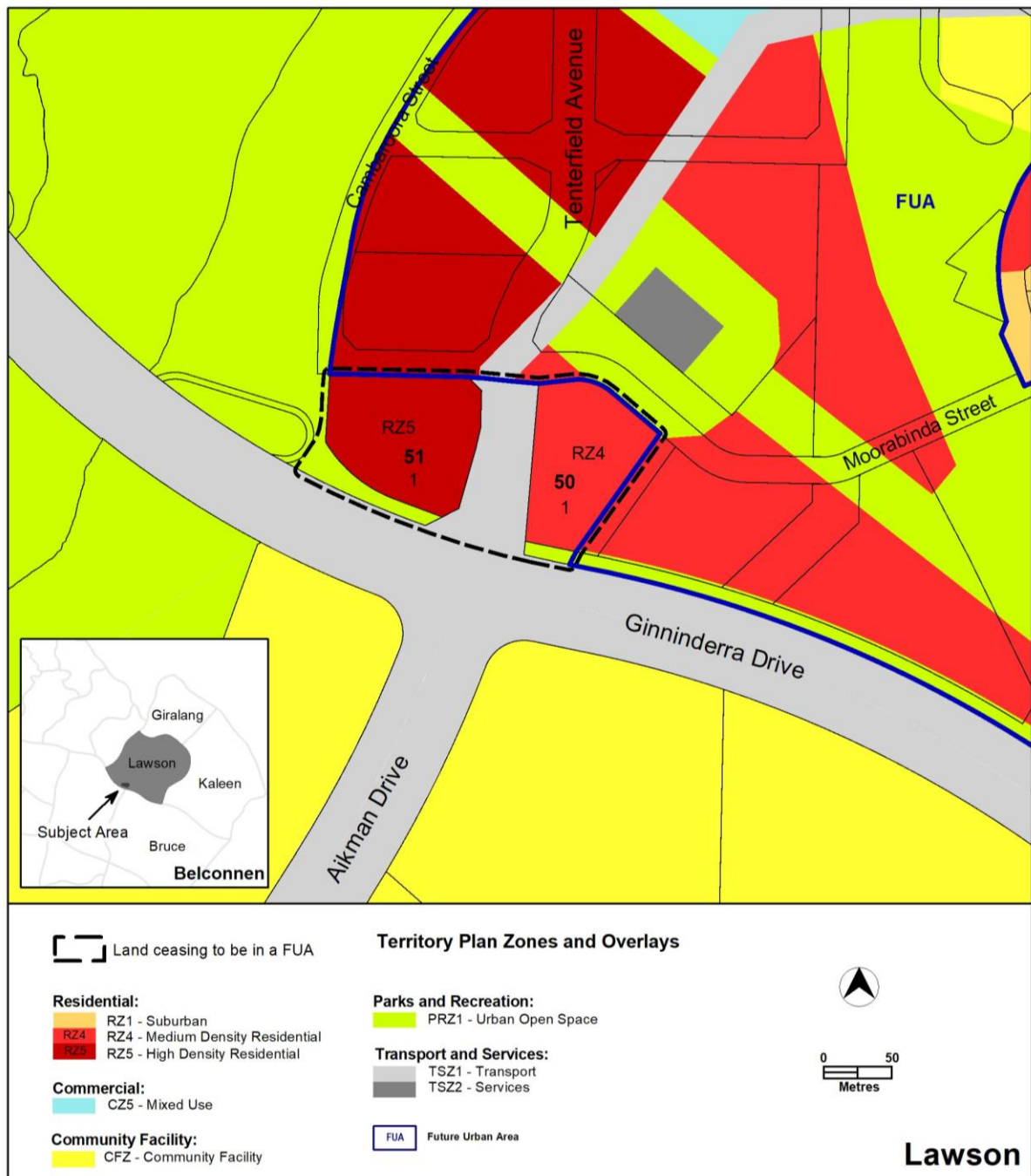
#### 4. Denman Prospect

The Territory Plan map is varied as indicated below.



## 5. Lawson

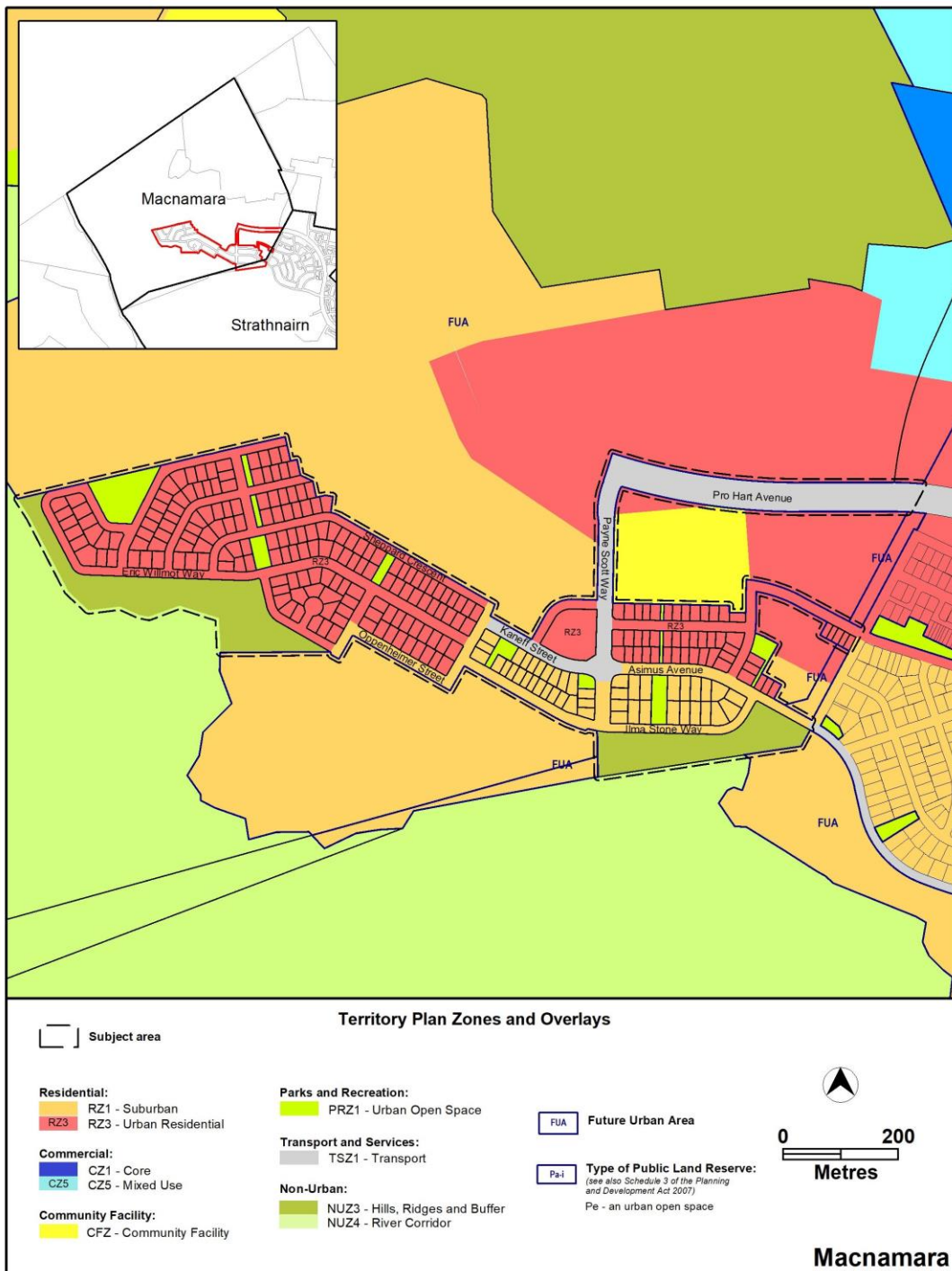
The Territory Plan map is varied as indicated below.





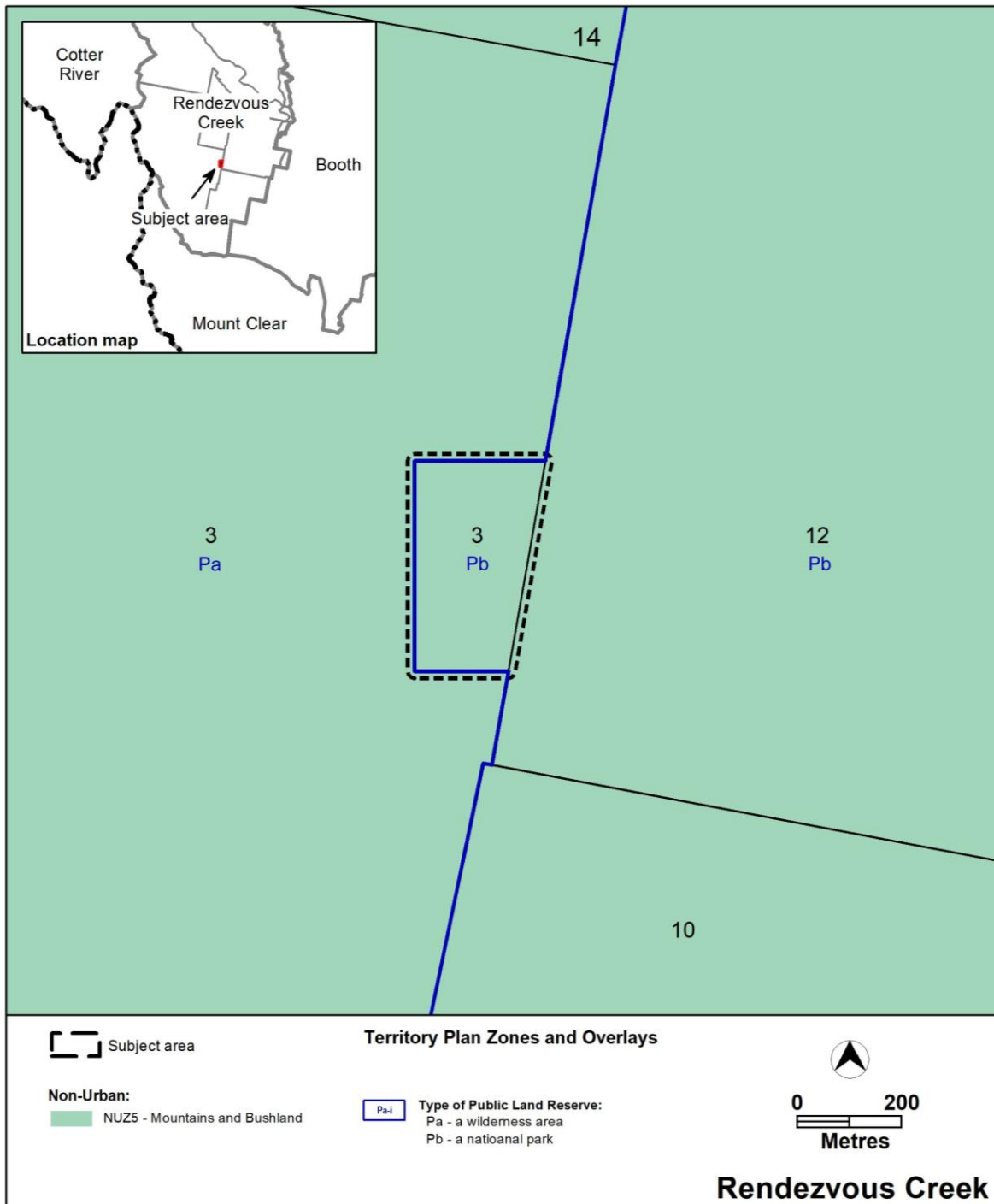
## 6. Macnamara

The Territory Plan Map is varied as indicated below.



## 7. Rendezvous Creek

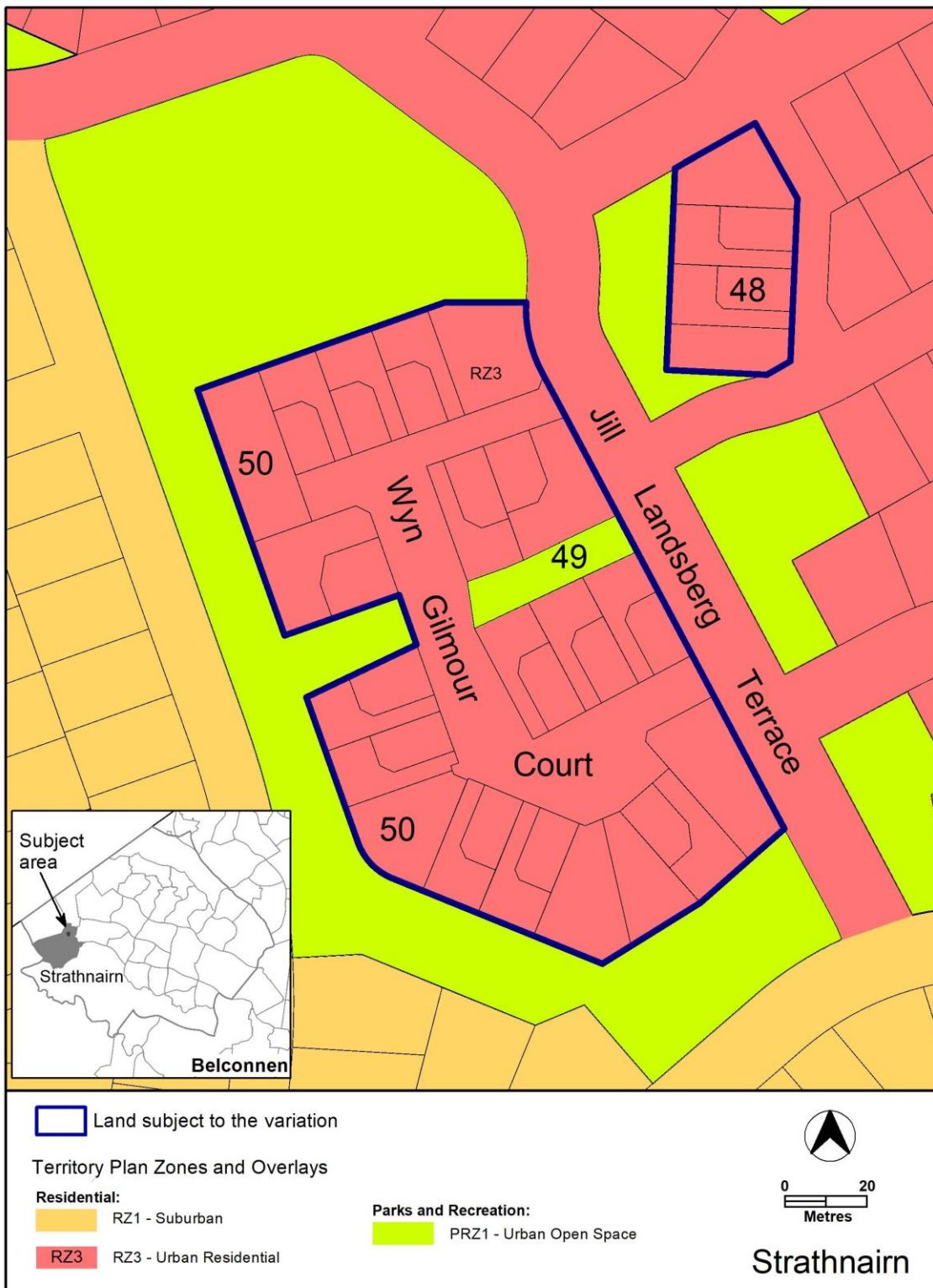
The Territory Plan Map is varied as indicated below.





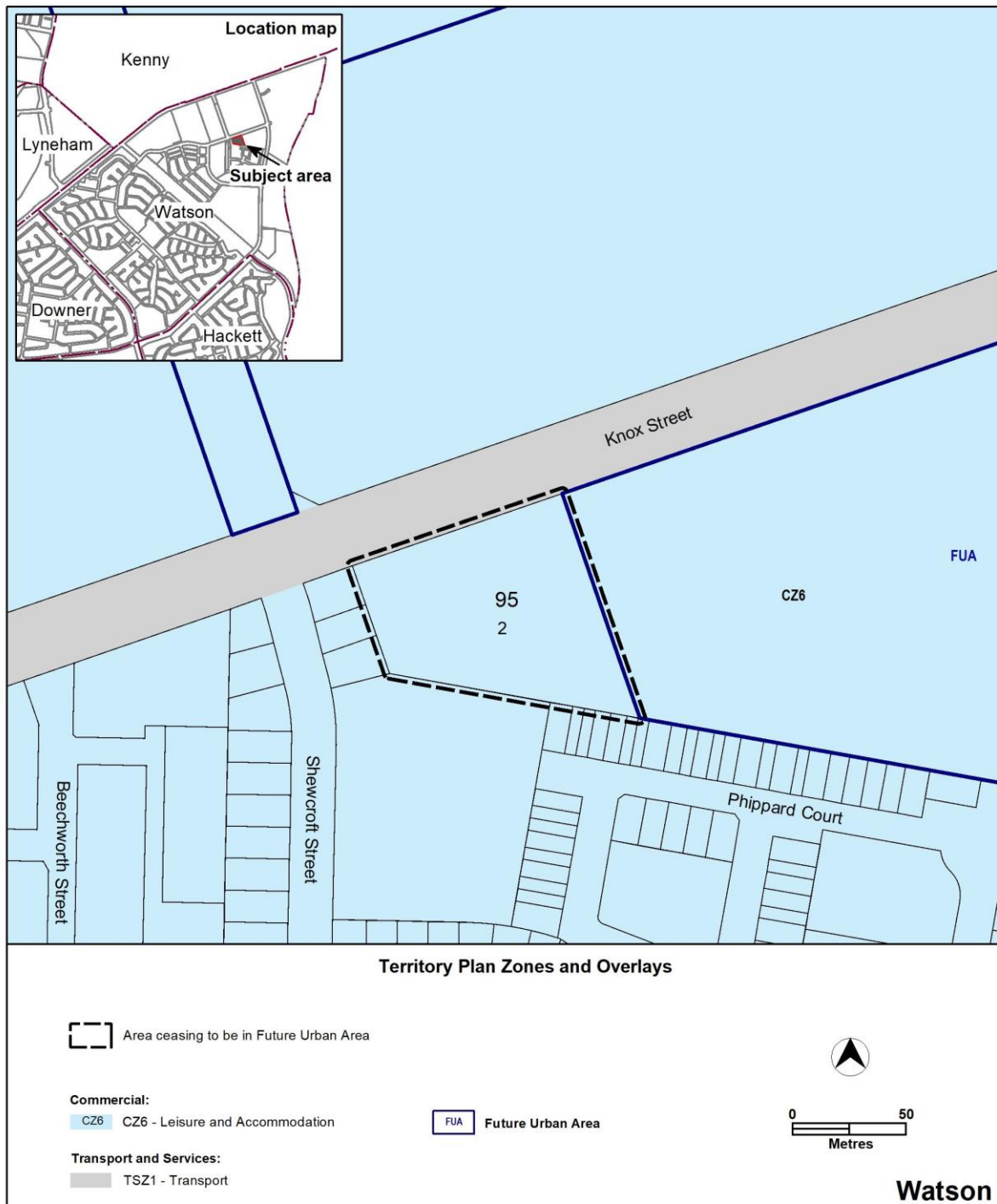
## 8. Strathnairn

The Territory Plan Map is varied as indicated below.



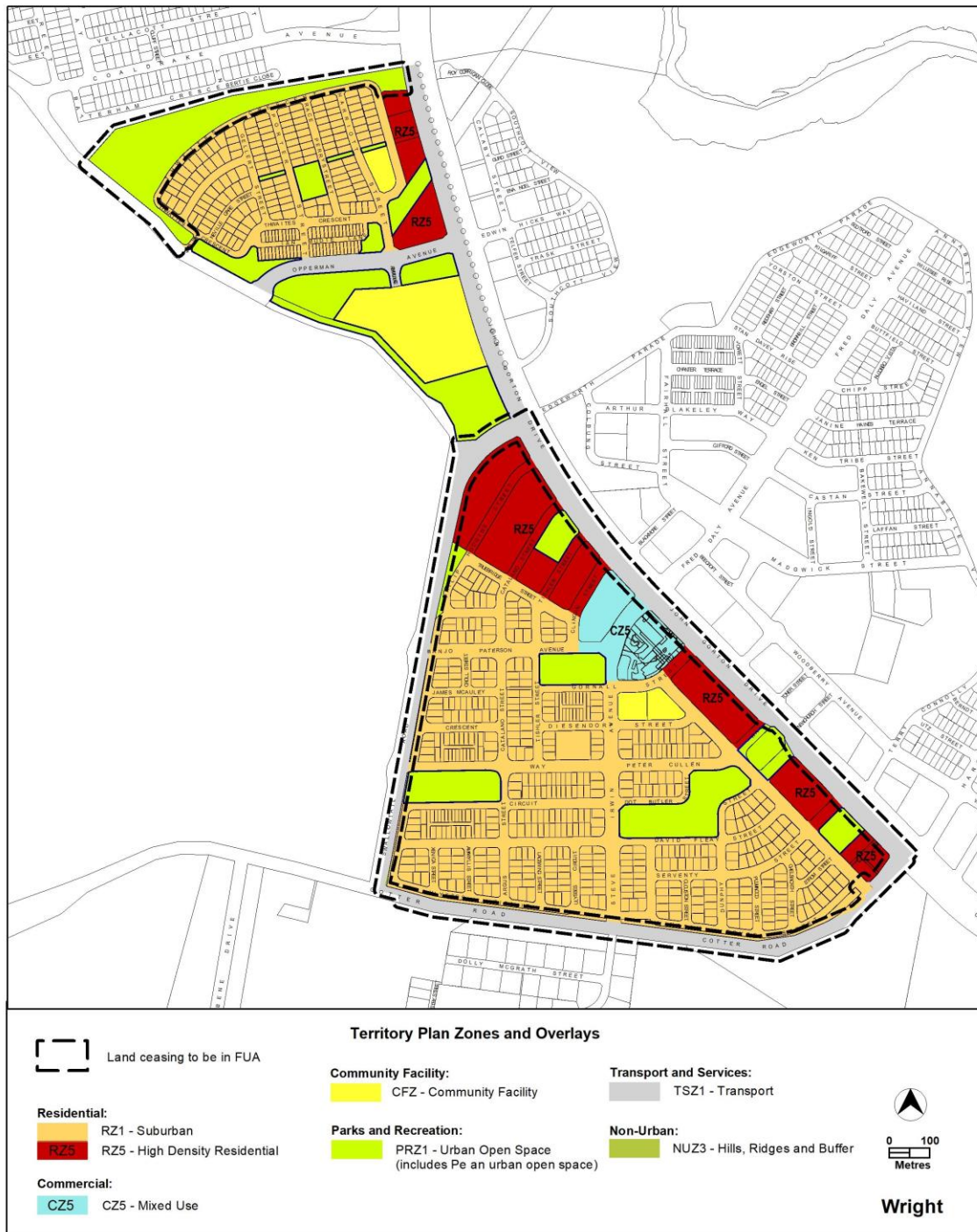
## 9. Watson

The Territory Plan Map is varied as indicated below.



## 10. Wright

The Territory Plan Map is varied as indicated below.





### 3.3 Part D2 - Belconnen District Policy

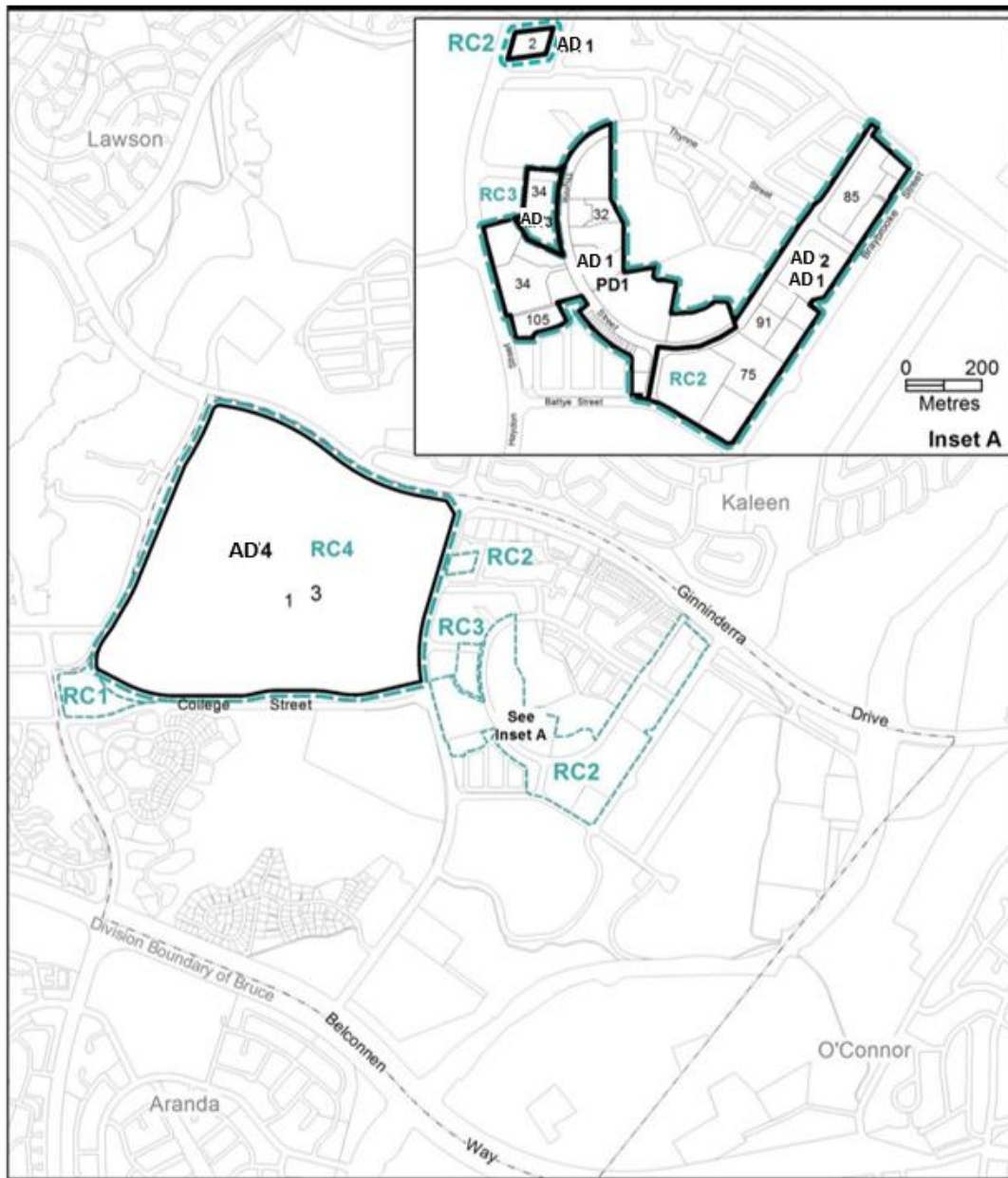
#### 11. Section 4. Assessment Outcome, first paragraph, reference to Gungahlin

*substitute*

Belconnen

#### 12. Section 6. Figures – Assessable and Prohibited Development, Figure 12 Bruce

*substitute*



**13. Section 5. Assessment Requirements, Lawson**

*insert*

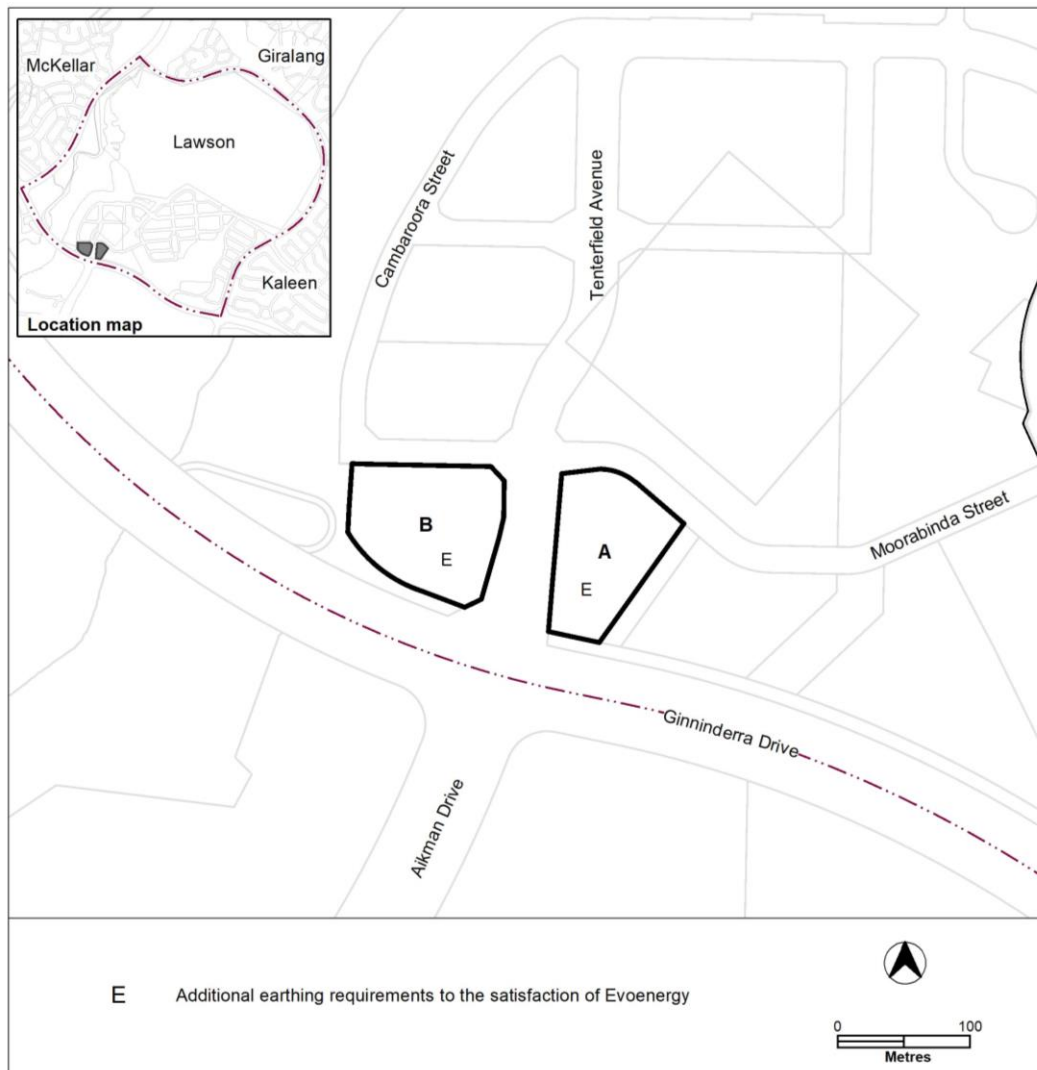
- 48a. In accordance with Figure 17a
- a) Area A – minimum number of storeys is 2.
  - b) Area B – minimum number of storeys is 4 and maximum number of storeys is 6
  - c) Additional earthing requirements to the satisfaction of Evoenergy

Figure  
17a

**14. Assessment Requirements, Figures – Development Requirements,  
new Figure 17a**

*insert*

Figure 17 A Lawson - Building heights and earthing requirements



### 3.4 Part D3 - Inner North and City District Policy

#### 15. Section 2. - Land use table; Locality Lyneham, Zone CZ5, Additional Assessable development, after 'drink establishment'

*insert*

indoor entertainment facility

#### 16. Section 5. Assessment Requirements, Locality Braddon, Assessment Requirement, after assessment requirement 5

*insert*

6. On the southern boundary of Area A in Figure 9A, the mid-block link complies with all of the following:

Figure 9A

- a) in the location consistent with Figure 10, and located entirely within the block boundaries
- b) provides unimpeded public access at all times for the length of the mid-block active travel link shown in Figure 9A
- c) not less than 10m wide at any point
- d) development within 'mid-block active travel link' is limited to planting area, surface landscaping, buildings and structures which are consistent with active travel pathways or open space and does not limit accessibility
- e) suitably landscaped to provide a welcoming environment for path users
- f) adequate lighting and other safety features that promote active, passive and perceived surveillance of the area.

**17. Section 5. Assessment Requirements; Locality Lyneham – Kamberra Estate, after assessment requirement 41**

*insert*

41A. The maximum gross floor area for retail uses in the CZ5 zone (as specified in the Commercial Zones Policy) does not apply to the estate area.

**18. Section 5. Assessment Requirements; Locality Lyneham – Yowani Estate, assessment requirement 78, first sentence**

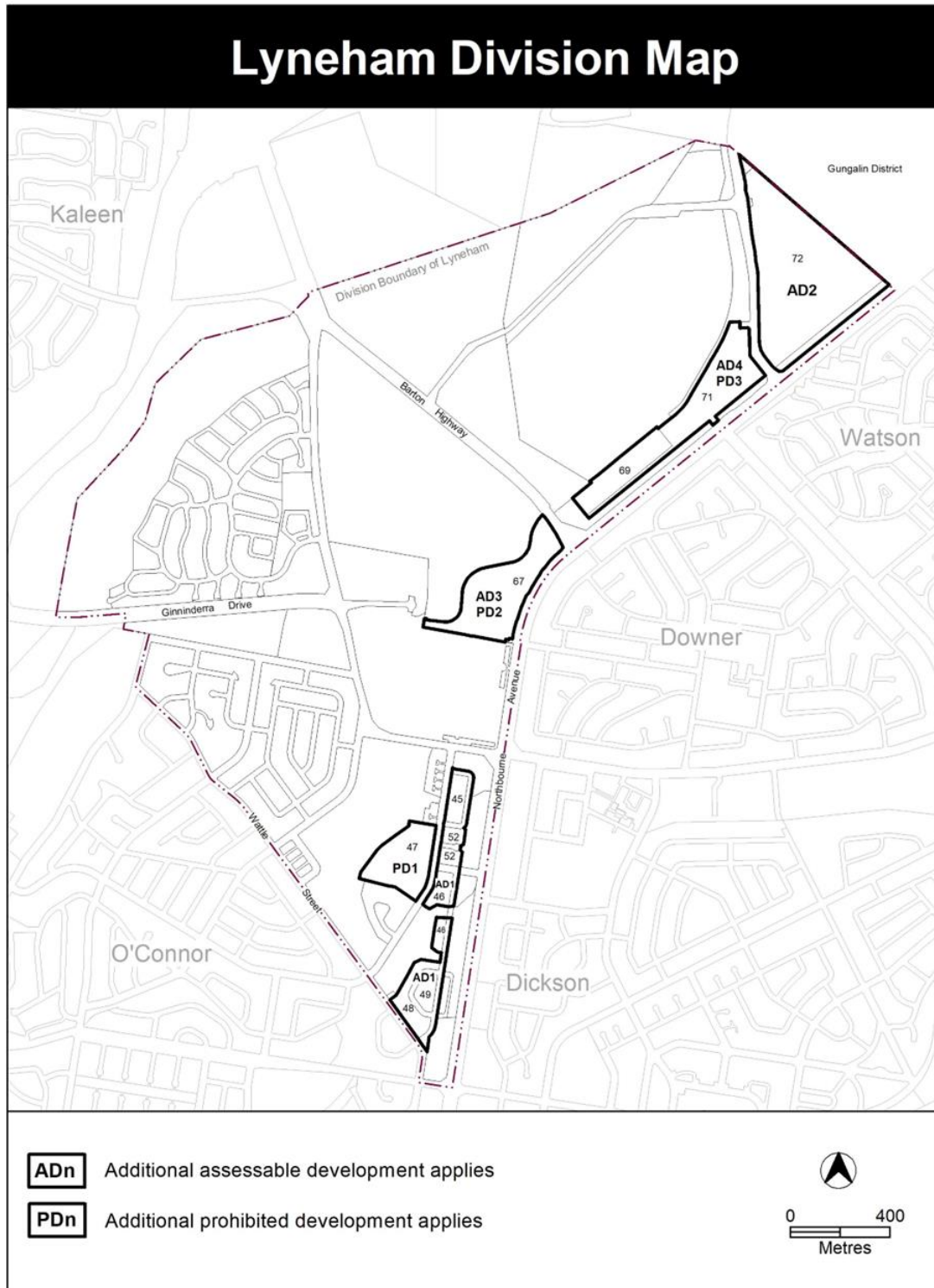
*substitute*

*The minimum front boundary setback to Barton Highway is 6m and Swinden Street is 4m.*

**19. Section 6. Figures – Assessable and Prohibit Development, after Figure 3 Dickson**

*substitute*

Figure 4 Lyneham

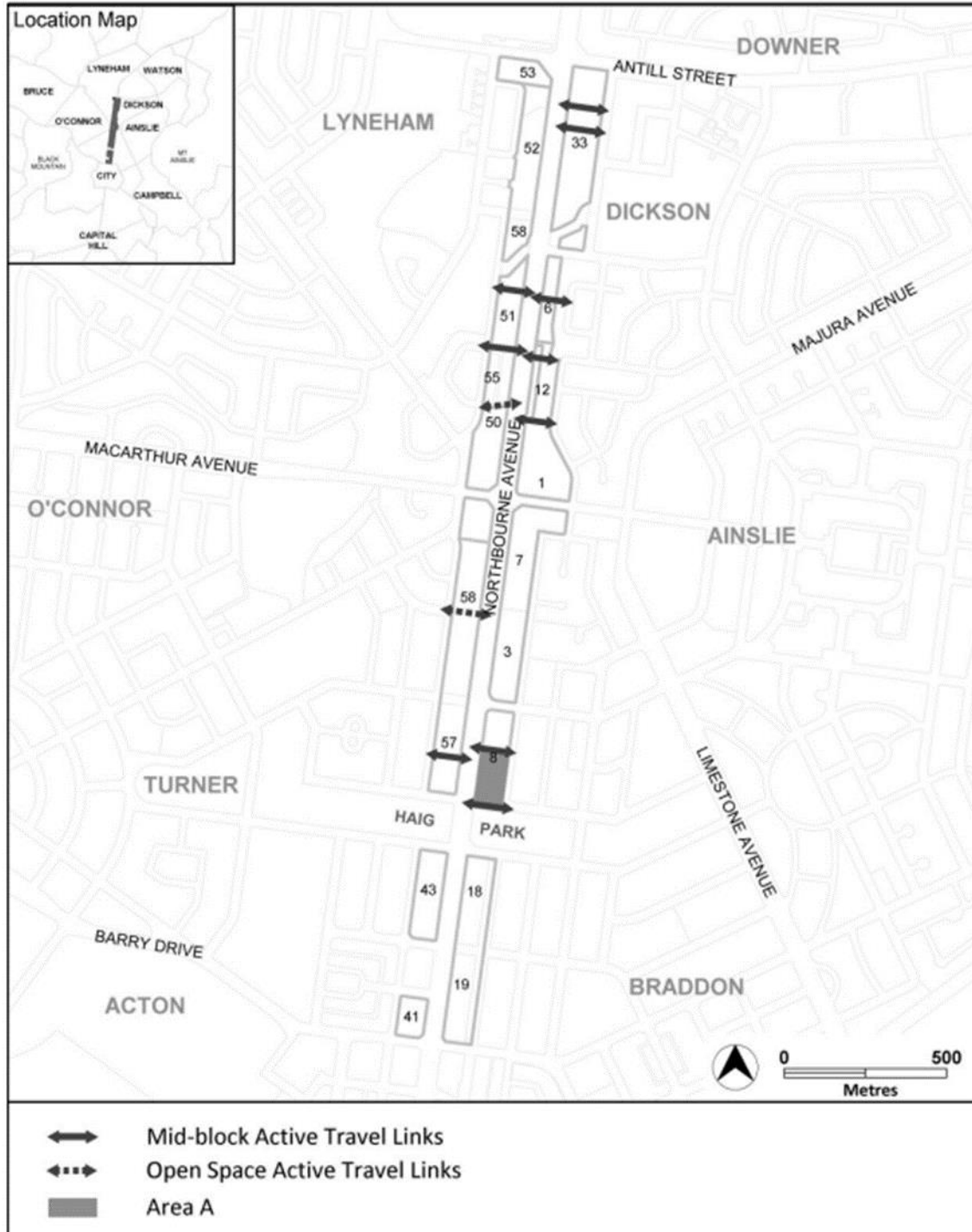


## 20. Section 7. Figures – Development Requirements, after Figure 9 Braddon

*insert*

Figure 9A – Braddon





Active travel links

### 3.5 Part D4 - Inner South District Policy

#### 21. Table of Contents

*Omit blank page after Table of Contents*

#### 22. Section 2. Land Use Table, Locality Fyshwick, new Fyshwick CZ3

*insert*

|          |     |     |  |                 |
|----------|-----|-----|--|-----------------|
| Fyshwick | CZ3 | Nil | child care centre, commercial accommodation use, hospital, residential use | PD5<br>Figure 3 |
|----------|-----|-----|--|-----------------|

#### 23. Section 4. Assessment Outcomes, Locality Deakin, Assessment Outcome 1

*substitute*

|        |   |                        |
|--------|---|------------------------|
| Deakin | 1. In Sections 5, 6, 7 and 8, front boundary setbacks respect the established building lines of surrounding properties. | Sections 5, 6, 7 and 8 |
|--------|---|------------------------|

#### 24. Section 5. Assessment Requirements, Locality Deakin, Assessment Requirement 2

*substitute*

|        |   |                        |
|--------|---|------------------------|
| Deakin | 2. In Sections 5,6,7 and 8, maximum height of buildings above natural ground level is 11.5m | Sections 5, 6, 7 and 8 |
|--------|---|------------------------|

**25. Section 5. Assessment Requirements, Locality Kingston-Group Centre, Assessment requirements, after 41.b).**

*insert*

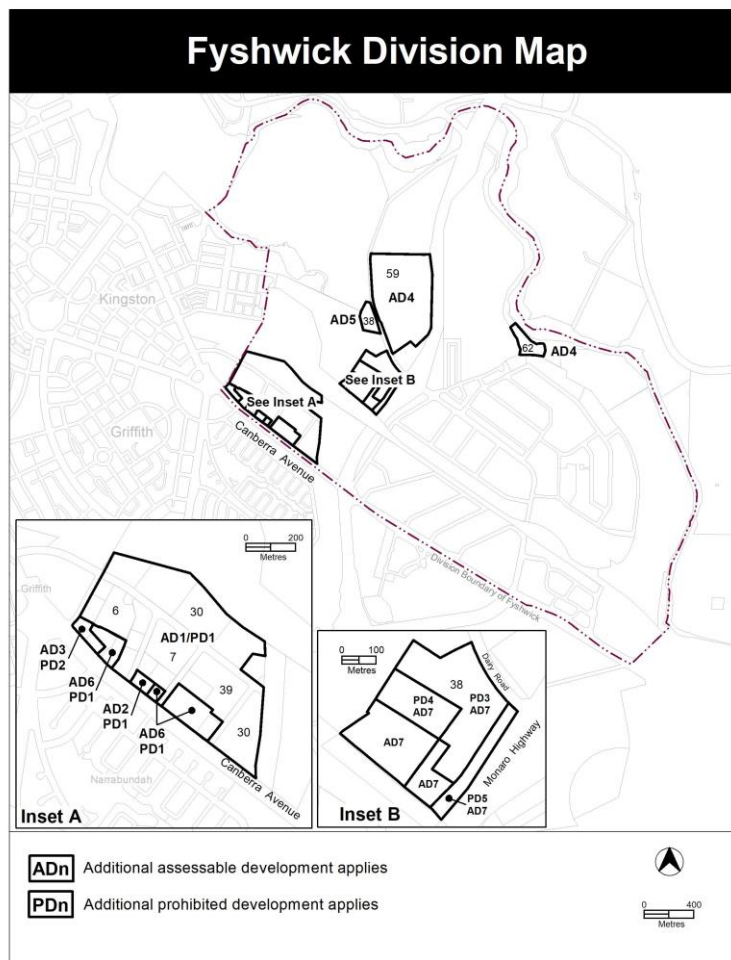
Building height excludes all of the following:

- a) roof top plant
- b) lift overruns
- c) antennas
- d) photovoltaic panels
- e) air conditioning units
- f) chimneys, flues and vents

Excluded items are setback from the building facade of the floor immediately below a minimum distance of 3m.

**26. Section 6. Figures – Assessable and Prohibited Development, Figure 3 Fyshwick**

*substitute*



### 3.6 Part D5 - Molonglo District Policy

#### 27. Section 5. Assessment Requirements, new Denman Prospect

*insert*

|                 |  |            |
|-----------------|--|------------|
| Denman Prospect | 8a. Section 59 blocks 33, 34 and 35 community activity centre and place of worship are mandatory. These uses are to have a combined minimum gross floor area of 900m <sup>2</sup> and must be operated by a not-for-profit organisation. | Section 59 |
|-----------------|--|------------|

#### 28. Section 5. Assessment Requirements, Locality Whitlam, Assessment requirement 11

*substitute*

|         |  |              |
|---------|--|--------------|
| Whitlam | 11 .For blocks identified in Figures 6 and 12, the single level dwelling façade must be a minimum height of 3 metres and a maximum height of 4.5 metres above finished ground level. However, dwellings higher than 4.5m above finished ground level will require an individual acoustic assessment. | Figure 6, 12 |
|---------|--|--------------|

**3.7 Part D7 - Woden District Policy****29. Section 2. Land Use Table, Locality Phillip***substitute*

|         |      |   |  |                     |
|---------|------|---|--|---------------------|
| Phillip | CZ2  | Nil                                     | residential use  | PD1<br>Figure 2     |
| Phillip | PRZ1 | Cemetery                                | Nil  | AD1<br>Figure 2     |
| Phillip | CZ2  | scientific<br>research<br>establishment | drink establishment, indoor recreation facility,<br>restaurant (except as ancillary), shop, tourist<br>facility  | AD2 PD2<br>Figure 2 |
| Phillip | CZ3  | Nil                                     | commercial accommodation use, hotel, motel,<br>guest house, residential use, tourist facility  | PD3 Figure<br>2     |
| Phillip | CFZ  | Nil                                     | business agency, educational establishment,<br>emergency services facility, health facility,<br>hospital, office, place of worship, public agency,<br>religious associated use, residential care<br>accommodation, retirement village, supportive<br>housing | PD4 Figure<br>2     |
| Phillip | CZ1  | produce<br>market                       | Nil  | AD3 Figure<br>2     |
| Phillip | PRZ2 | light rail                              | Nil  | AD4 Figure<br>2     |

**30. Section 5. Assessment Requirements, Locality, Garran, 15. b)***substitute*

*the road utilises the existing access to Garran section 10 block 75 of  
Kitchener Street or the intersection of the road access with Kitchener Street  
is at a location agreed to by TCCS, having regard to intersection safety and  
design considerations*

### 3.8 Part D8 - Tuggeranong District Policy

#### **31. section 5. Assessment requirements, Locality Greenway-Tuggeranong Town Centre, after 15.g)**

*insert*

Building height excludes all of the following:

- a) roof top plant
- b) lift overruns
- c) antennas
- d) photovoltaic panels
- e) air conditioning units
- f) chimneys, flues and vents

Excluded items are setback from the building facade of the floor immediately below a minimum distance of 3m.

#### **32. Section 5. Assessment requirements, Locality Greenway-Tuggeranong Town Centre, after 25.g**

*insert*

Building height excludes all of the following:

- a) roof top plant
- b) lift overruns
- c) antennas
- d) photovoltaic panels
- e) air conditioning units
- f) chimneys, flues and vents

Excluded items are setback from the building facade of the floor immediately below a minimum distance of 3m.

#### **33. Section 5 Assessment Requirements, Locality Calwell-Group Centre, Assessment requirement column, Assessment Requirement 8**

*omit*

Assessment requirement 8

#### **34. Section 5 Assessment Requirements, Locality Calwell-Group Centre, Assessment requirement column, Assessment Requirement 9**

*omit*

In all other cases the maximum height of building is 2 storeys in Areas A and B.

### 3.9 Part E1 - Residential Zones Policy

#### **35. Section 5. Assessment Requirements, Number of storeys – RZ1 and RZ2, 18**

*omit*

18. RZ1: Attics are not permitted where they are located directly above any 2-storey element of the dwelling

### 3.10 Part E3 – Industrial Zones Policy

#### **36. Section 2. Policy Outcomes, IZ2- Business zone heading**

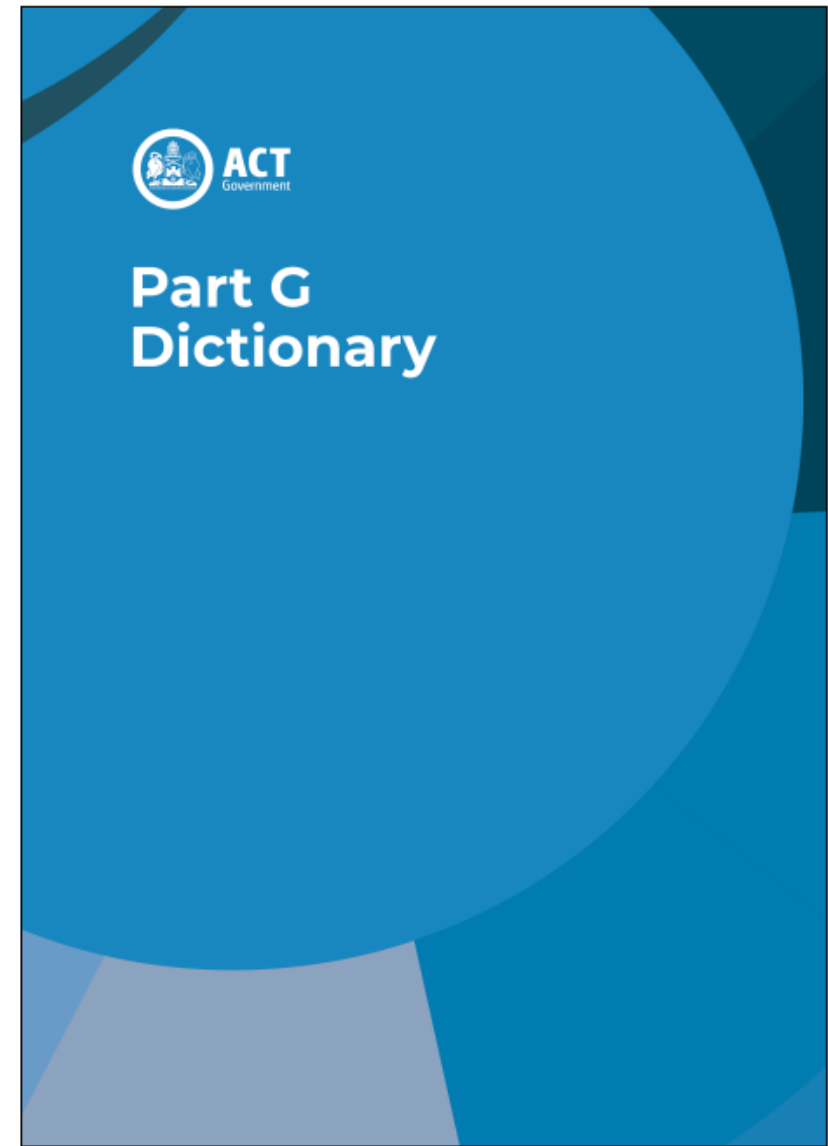
*substitute*

#### **IZ2 – Mixed Use Zone**

3.11 Part G - Dictionary

37. Title Page

substitute



38. Table 1 – land use definitions, the row after boarding house.

omit

the blank row



**39. Table 1 – land use definitions, consolidation, reference to 2022**

*substitute*

2023

**40. Table 1 – land use definitions, the definition after municipal depot**

*insert*

**nature conservation area** means an area set aside for the purpose of the conservation or preservation of natural and/or cultural values

**41. Table 1 – land use definitions, subdivision, reference to 2022**

*substitute*

2023

**42. Table 2 – terms and concepts definitions; Front Boundary**

*omit*

Is there a need for the public walkway to have a minimum width before the adjoining block has a 'front' boundary to it

**43. Table 2 – terms and concepts definitions, lease, reference to 2022**

*substitute*

2023

## INTERPRETATION SERVICE



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|   |  |  |   |  |
|---|--|--|---|--|
| <b>Arabic</b><br>عندما تحتاجون إلى مترجم، إتصلوا<br>على الرقم 131 450                         | <b>Greek</b><br>Όταν χρειάζεστε διερμηνέα,<br>καλέστε το 131 450                     | <b>Karen</b><br>နာဂါလိတ်တိုက်လူတို့ထံသို့မူတည်,<br>ဆက်သွယ်ရန် 131 450 တံတိုက်        | <b>Serbian</b><br>Када вам треба преводилац,<br>јавите се на 131 450                  | <b>Tamil</b><br>உங்களுக்கு ஒரு உரைபொருள்பொருள்<br>தேவைப்படும் போது, 131 450<br>என்ற இலக்கத்திற்கு அழைக்கவும் |
| <b>Chinese</b><br>当您需传译员时，请拨电话<br>131 450   | <b>Hazaragi</b><br>وختیكه شونده یگو ترجمون نیازترین ده<br>شماره 131 450 زنگ زده شونه | <b>Korean</b><br>통역사가 필요하시면 131<br>450 번으로 전화하세요                                     | <b>Somali</b><br>Markaad u baahato<br>turjumaan, ka wac 131 450                       | <b>Thai</b><br>เมื่อใดที่คุณต้องการล่าม<br>โปรดโทรไปที่ 131 450  |
| <b>Dari</b><br>وقتی به ترجمان ضرورت دارید، به<br>131 450 تیلیفون کنیید.                       | <b>Italian</b><br>Quando hai bisogno di un<br>interprete, telefona al 131 450        | <b>Nepali</b><br>दोभापे चाहिएदा, 131 450 मा फो<br>न गर्नुहोस्                        | <b>Spanish</b><br>Cuando necesite un<br>intérprete, llame al 131 450.                 | <b>Turkish</b><br>Bir tercümana ihtiyacınız olduğunda,<br>131 450 numaralı telefonu arayın                   |
| <b>Farsi (alt Persian)</b><br>وقتی که به مترجم شفاف نیاز دارید،<br>به شماره 131 450 تلفن کنید | <b>Japanese</b><br>通訳が必要な場合は、<br>131 450 に電話して<br>ください                               | <b>Pashto</b><br>کوم وخت چې تاسو ژباړونکي ته اړتیا<br>لری، 131 450 شمېری ته زنگ ووهی | <b>Russian</b><br>Когда вам потребуется<br>переводчик, позвоните по<br>номеру 131 450 | <b>Vietnamese</b><br>Khi cần thông dịch viên, xin quý<br>vị gọi điện thoại số 131 450                        |

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