



ACT

Government

Environment and
Sustainable Development

Planning and Development Act 2007

Technical Amendment to the Territory Plan Variation 2012-06

A new Commercial Zones Development Code replacing seven commercial zones development codes.

New suburb and district precinct maps incorporating additional merit track and prohibited development transferred from development tables.

New and amended suburb and district precinct codes incorporating site specific provisions transferred from development codes and part 12.

Removal of redundant provisions and codes.

Amended zone development tables.

Amended Territory Plan Map.

October 2012

Consultation version

under section 90 of the *Planning and Development Act 2007*

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1. INTRODUCTION

1.1 Purpose

As part of a review of the Territory Plan's codes, and following the pattern found in variation 302 (community facilities) and in draft variation 306 (residential zones codes), this technical amendment proposes to consolidate seven development codes applying to commercial zones into a single Commercial Zones Development Code. It is important to note that, while provisions are being relocated and some reworded for clarity, no changes to the underlying policies are proposed.

The new code will contain provisions that apply to all commercial zones, followed by the provisions applying specifically to town centres, group centres, local centres, mixed use (CZ5) zones and entertainment accommodation and leisure zones (CZ6). Provisions applying to specific blocks or land parcels, so called "site-specific provisions", will not be included in the new code. Instead, they will be relocated into the relevant precinct code.

This presents the opportunity to relocate all site-specific provisions to precinct codes and their associated precinct maps. This is the second key initiative of this technical amendment.

Site-specific provisions are currently located in various parts of the Territory Plan: zone development tables, development codes and more recently, precinct codes.

Many zone development tables identify parcels for which additional merit track development is possible, or where additional prohibitions apply. This technical amendment proposes to relocate additional merit track and additional prohibited development from zone development tables to precinct maps. Precinct maps may also identify blocks with special characteristics such as those subject to external noise (eg. adjacent to a major road), or blocks with an elevated bush fire risk.

Site-specific provisions are also found in development codes. Restrictions on the location of nominated land uses and building height controls are examples of such provisions. Again this technical amendment proposes to relocate site-specific provisions found in development codes to suburb or district precinct maps or codes.

This technical amendment also proposes to reconfigure all zone development tables using the format adopted for the community facility zone through Territory Plan variation 302 in 2011. The new format acknowledges the role of leases in regulating land use and simplifies the reference to relevant codes.

Accommodating site-specific provisions in precinct maps and codes, rather than being distributed throughout the Territory Plan, and consolidating all general commercial development provisions into a single Commercial Zones Development Code makes the Territory Plan more user-friendly. This has advantages for proponents, assessors and the community, chiefly because just one development code and one precinct code/map need to be referenced for all relevant information.

1.2 Public consultation

Under section 88 of the *Planning and Development Act 2007* (the Act) some components of this technical amendment are subject to limited public consultation. But for clarity, the whole technical amendment has been released. A notice was made in *The Canberra Times*. Written comments will be received until ...

Written comments may be submitted in one of the following ways:

- Emailed to ta.comments@act.gov.au
- Hand delivered to: Territory Plan Comments
Environment and Sustainable Development Directorate
Customer Service Centre
16 Challis Street, DICKSON
- Posted to: Territory Plan Comments
Environment and Sustainable Development Directorate
GPO Box 158
CANBERRA ACT 2601

1.3 National Capital Authority

The National Capital Authority has been advised of this technical amendment.

1.4 Process

This technical amendment has been prepared in accordance with section 87 of the *Planning and Development Act 2007* (the Act). Comments received from the public and the National Capital Authority will be taken into account before the planning and land authority “makes” the technical amendment under section 89 of the Act. The planning and land authority must then notify the public of its decision.

2. EXPLANATION

The following section is an overview of the various components of the proposed technical amendment. Further details are provided in the statutory drafting instructions in section 3 and the associated appendices.

2.1 Zone development tables

2.1.1 Revised zone development tables

It is proposed to replace each zone development table with a revised zone development table using the format introduced in variation 302 (community facility zone). The new tables will contain neither site-specific provisions relating to additional merit track development nor additional prohibited development, because these provisions are to be relocated to the respective precinct map (see section 2.2). Similarly, specific references to other codes are to be deleted in favour of a more general reference. Specific references to relevant codes are provided in the introduction to zone development codes. Section 2.4 provides an example of references to other relevant codes in the Commercial Zones Development Code.

Various references, particularly references to legislation, have been updated.

The new zone development tables are at **Appendix 1**.

Compliance with the Planning and Development Act 2007

Section	Statement
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment will clarify the language used in rules and criteria, without changing their substance.

2.1.2 Correcting errors in non-urban zone development tables

In the process of transferring site specific provisions, errors have been corrected. Additional prohibited development provisions related to farm tourism, tourist facility and nature conservation on P4 – Plantation Forestry Overlay were incorrectly transferred from the pre-2008 Territory Plan to the current Territory Plan. Unless corrected these would have the unintended effect of prohibiting tourism and nature conservation in these areas.

These corrections are incorporated into the relevant district precinct codes.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(a) a 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.	Compliant. No-one's rights will be adversely affected.

2.2 Precinct maps

2.2.1 Transferring site specific provisions from zone development tables

It is proposed to relocate site-specific provisions relating to additional merit track development and additional prohibited development from zone development tables to the relevant precinct map. These provisions will be listed in tables with references to the relevant block or area. The precinct map will identify these areas as "PD" for additional prohibited development or "MT" for additional merit track development. These tables are effectively part of the relevant zone development table but, where there is an inconsistency between the table associated with the precinct map and the zone development table, the table in the precinct map will prevail.

Most suburbs and districts will have a precinct map and many will also have a precinct code.

New and revised precinct maps and codes are at **Appendix 2**.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision within the territory plan if the substance of the provision is not changed	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.

2.3 Precinct codes

2.3.1 Transferring site specific provisions from development codes

It is proposed to relocate site-specific provisions from the following codes:

- Residential Zones – Single Dwelling Housing Development Code
- Residential Zones – Multi Unit Housing Development Code
- City Centre Development Code
- Town Centres Development Code
- Group Centres Development Code
- Industrial Zones Development Code
- Non-Urban Zones Development Code

to:

- the relevant suburb precinct code or district precinct code in the form of rules and criteria, with their locations identified on the relevant suburb or district precinct map.

New and revised precinct maps and codes are at **Appendix 2**.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision within the territory plan if the substance of the provision is not changed	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.

2.3.2 Correcting errors in block descriptions

In the process of transferring provisions, errors in block descriptions have been corrected. Ordinarily these errors arise when block descriptors are changed following subdivision.

These corrections are incorporated into the relevant precinct code.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(a) a variation that iii. would not adversely affect anyone's rights if approved; and iv. has as its only object the correction of a formal error in the plan.	Compliant. This amendment will rectify errors largely associated with block and section descriptors. No-one's rights will be adversely affected.

2.4 Rural Villages Precinct Code

2.4.1 Provisions applying to the rural villages of Stromlo, Tharwa and Uriarra

It is proposed to relocate the provisions currently found in the Rural Villages Precinct Code to the following precinct codes:

- Stromlo Precinct Code
- Tharwa Precinct Code
- Uriarra Precinct Code

and to remove the Rural Villages Precinct Code from the Territory Plan.

No changes are proposed to the provisions affecting the rural villages of Stromlo, Tharwa and Uriarra.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision within the territory plan if the substance of the provision is not changed	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant. With the relocation of its provisions, the Rural Villages Precinct Code is redundant.

2.4.2 Provisions applying to the Village of Hall

It is proposed to relocate the provisions applying to the Village of Hall currently found in the Rural Villages Precinct Code to the Hall Precinct Code. Following a review of these provisions minor changes have been made without affecting the underlying policies.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision within the territory plan if the substance of the provision is not changed	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.
s87(b) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. Subject to limited public consultation.

2.5 Commercial zones development codes

2.5.1 Replacing the current commercial development codes with a new code

It is proposed to replace:

- City Centre Development Code
- Town Centres Development Code
- Group Centres Development Code
- Local Centres Development Code
- CZ2 Office Areas Outside Centres Development Code
- CZ5 Mixed Use Zone Development Code
- CZ6 Leisure and Accommodation Zone Development Code

with:

- a new Commercial Zones Development Code

No provision is substantively changed. Those provisions transferred to precinct codes, as described in section 2.3, are not included in the new code.

The new code is at **Appendix 3**.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision with the territory plan if the substance of the provision is not changed.	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.

2.5.2 Updating certain provisions

It is proposed to update some entity (government agency) referral and endorsement provisions to clarify the respective roles of the planning authority and the entity without changing the underlying policies. The new wording has been endorsed by the relevant entity.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment will clarify the language used in rules and criteria, without changing their substance. Subject to limited public consultation.

2.5.3 Clarifying provisions

It is proposed to clarify the wording of some provisions.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment will clarify the language used in rules and criteria, without changing their substance. Subject to limited public consultation.

2.5.4 Making reference to other relevant codes

It is proposed to include a reference to other relevant codes in a new section following the introduction to this code. This will replace most references to codes previously found in the relevant zone development tables.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision with the territory plan if the substance of the provision is not changed.	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.

2.6 Residential Zones - Single Dwelling Housing Development Code

2.6.1 Deleting references to block specific provisions

As a consequence of transferring site specific provisions from development codes to precinct codes, the relevant references to those site specific provisions are also to be deleted.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant. Because of the relocation of provisions, references to them in certain codes are obsolete.

2.6.2 Making reference to other relevant codes

It is proposed to include a reference to other relevant codes in a new section following the introduction to this code. This will replace most references to codes previously found in the relevant zone development tables.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision with the territory plan if the substance of the provision is not changed.	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.

2.7 Residential Zones - Multi Unit Housing Development Code

2.7.1 Deleting references to block specific provisions

As a consequence of transferring site specific provisions from development codes to precinct codes, the relevant references to those site specific provisions are also to be deleted.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant. Because of the relocation of provisions, references to them in certain codes are obsolete.

2.7.2 Making reference to other relevant codes

It is proposed to include a reference to other relevant codes in a new section following the introduction. This will replace most references to codes previously found in zone development tables.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision with the territory plan if the substance of the provision is not changed.	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.

2.7.3 Revising noise management provisions

It is proposed to clarify the wording of Rule 228 without changing the underlying policy or the related technical references.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment will clarify the language used in rules and criteria, without changing their substance. Subject to limited public consultation.

2.8 Industrial Zones Development Code

2.8.1 Deleting references to block specific provisions

As a consequence of transferring site specific provisions from development codes to precinct codes, the relevant references to those site specific provisions should also be deleted.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant. Because of the relocation of provisions, references to them in certain codes are obsolete.

2.8.2 Making reference to other relevant codes

It is proposed to include a reference to other relevant codes in a new section following the introduction to this code. This will replace most references to codes previously found in zone development tables.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision with the territory plan if the substance of the provision is not changed.	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.

2.8.3 Blocks with elevated bush fire risk

It is proposed to relocate the map at appendix A to the Hume Precinct Code and change the reference in R1A from Appendix A to a precinct code. The rule has been reworded for clarity.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision with the territory plan if the substance of the provision is not changed.	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant. Because of the relocation of provisions, references to them in certain codes are obsolete.
s87(g) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. This amendment will clarify the language used in this rule, without changing its substance. Subject to limited public consultation.

2.9 Parks and Recreation Zones Development Code

2.9.1 Making reference to other relevant codes

It is proposed to include a reference to other relevant codes in a new section following the introduction to this code. This will replace most references to codes previously found in zone development tables.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision with the territory plan if the substance of the provision is not changed.	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.

2.10 Transport and Services Zone Development Code

2.10.1 Making reference to other relevant codes

It is proposed to include a reference to other relevant codes in a new section following the introduction to this code. This will replace most references to codes previously found in zone development tables.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision with the territory plan if the substance of the provision is not changed.	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.

2.11 Non-Urban Zones Development Code

2.11.1 Making reference to other relevant codes

It is proposed to include a reference to other relevant codes in a new section following the introduction to this code. This will replace most references to codes previously found in zone development tables.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision with the territory plan if the substance of the provision is not changed.	Compliant. All provisions are relocated from other parts of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.

2.11.2 Deleting references to block specific provisions

As a consequence of transferring site specific provisions from development codes to precinct codes, the relevant references to those site specific provisions are also to be deleted.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant. Because of the relocation of provisions, references to them in certain codes are obsolete.

2.12 Part 12 - Overlays

2.12.1 Section 12.4 – Urban Open Space Zones

Section 12.4 identifies three parcels of urban open space that are excluded from public land. It is proposed to transfer this notification to the relevant precinct map.

Section 12.4 will thus become redundant and is proposed to be deleted.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision with the territory plan if the substance of the provision is not changed.	Compliant. All provisions are relocated from part 12 of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant. Because of the relocation of provisions, references to them in part 12 are redundant.

2.12.2 Section 12.6 – Precincts

It is proposed to transfer all provisions found in section 12.6 to the relevant precinct map or code. These are:

P4 - Plantation Forestry Precinct

Clearance Zone Policies

Lower Molonglo Water Control Centre Clearance Zone

Quarries

Parkwood Egg Farm, Belconnen Landfill, Mugga Lane Landfill

P6 – Stromlo Forest Park Precinct

It is proposed to delete the reference to Canberra Abattoir from the clearance zone policies because this site is being redeveloped for other purposes, and the reference is now obsolete.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(h) a variation to relocate a provision with the territory plan if the substance of the provision is not changed.	Compliant. All provisions are relocated from part 12 of the Territory Plan. No provision is substantively changed. Subject to limited public consultation.
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant. Reference to Canberra Abattoir is no longer relevant.

2.13 Changes to the Territory Plan map – zones and overlays

2.13.1 Types of precincts

It is proposed to remove from the Territory Plan map – zones and overlays, the blue cross hatching and labelling associated with the types of precincts (P1 – P6). Precincts will be identified instead in the relevant suburb or district precinct code.

2.13.2 Urban open space that is not public land – “X”

It is proposed to remove from the Territory Plan Map – zones and overlays references to the designation of urban open space that is not public land (currently marked “X”). These areas will be identified instead in the relevant suburb or district precinct code.

2.13.3 Draft variations with interim effect – “V”

It is also proposed to remove the designation of draft variations to the plan having interim effect (currently marked “V”). Adding or removing this designation is problematic because in most cases it requires a technical amendment to the Territory Plan. As this is essentially advice as to the status of a particular variation, it is proposed to provide this information through ACTMAPi instead of the Territory Plan map.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant. These references in the map are redundant.

2.14 Gungahlin Town Centre Precinct Code

The Gungahlin Town Centre Precinct Code is redundant because all of its provisions have been relocated to the Gungahlin Precinct Code. It is proposed to remove it and associated references from the Territory Plan.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(f) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant. The Gungahlin Town Centre Precinct Code is redundant.

3. TECHNICAL AMENDMENT

3.1 Zone development tables

1 Zone development tables

Substitute each zone development table with the respective zone development table in Appendix 1.

3.2 Precinct maps and codes

2 Section 10 headings

substitute

10 Precinct Maps and Codes

10.1 Suburb Precinct Maps and Codes

10.2 District Precinct Maps and Codes

10.3 Other Precinct Codes

3 Section 10 Precinct Maps and Codes

Substitute suburb precinct codes with the suburb and district precinct maps and codes at Appendix 2.

4 Rural Villages Precinct Code

omit

3.3 Commercial Zones Development Code

5 Section 4 development codes

substitute

City Centre Development Code

Town Centres Development Code

Group Centres Development Code

Local Centres Development Code

CZ2 Office Areas Outside Centres Development Code

CZ5 Mixed Use Zone Development Code

CZ6 Leisure and Accommodation Zone Development Code

with

Commercial Zones Development Code at **Appendix 3.**

3.4 Residential Zones - Single Dwelling Housing Development Code

6 Introduction

omit the wording, dot point and paragraph crossed out

Structure of codes

The Residential Zones – Single Dwelling Housing Development Code is divided into three Parts:

Part A – Zone Specific Controls provide any specific controls for each Residential Zone.

Part B – General Development Controls provide general controls that are applicable to all single dwelling housing within the Residential Zones.

Part C – Development Type Controls provide the specific controls for single dwelling housing. This Part is divided into three sub-parts to differentiate between types of single dwelling housing and area specific requirements:

- **Part C(1) Single dwelling housing** provide the controls for all single dwelling housing, except in those circumstances where Parts ~~C(2) or C(3)~~ would apply.
- ~~**Part C(2) Single dwelling housing – Additional Controls for part of Deakin and Forrest** applies to individual Sections in Deakin and Forrest where certain additional controls, or substitute controls, to Part C(1) are necessary to guide the development outcome in these historic sectors of South Canberra~~
- **Part C(3) Single dwelling housing – Compact Blocks in New Estates** provide the controls for single dwelling housing on residential blocks with a site area of 250m² or less in new estates.
- **Part C(4) Single dwelling housing – Mid Sized Blocks (>250 – 500m²) in New Estates** provide the controls for single dwelling housing on residential blocks with a site area of greater than 250m² up to and including 500m² in new estates.

7 Part C – Development type controls

substitute the wording directly below the heading with

This part of the Code provides the controls for single dwelling housing. It is divided into three sub-parts.

Part C(1) Single Dwelling Housing provide the controls for single dwelling housing in all residential zones, except where provided for by Parts C(3) or C(4). Part C(1) also applies to the commercial zones and the rural zone. As such, it is the default position for single dwelling housing.

Part C(3) provide the controls for single dwelling housing on residential blocks with a site area of 250m² or less in new estates.

Part C(4) provide the controls for single dwelling housing on residential blocks with a site area of greater than 250m² up to and including 500m² in new estates.

8 Part C(2) – Single dwelling housing – additional controls for Deakin and Forrest

omit

insert after Introduction

Relevant codes

In addition to this code, **precinct codes** and **general codes** may be relevant.

Precinct codes are located in section 10 of the Territory Plan.

The following **general codes**, in particular, may be relevant to development in residential zones.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Community and Recreational Facilities Location Guidelines General Code

Crime Prevention through Environmental Design General Code

Home Business General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Residential Boundary Fences General Code

Signs General Code

Water Use and Catchment General Code

Water Ways: Water Sensitive Urban Design General Code

General codes are found in part 11 of the Territory Plan.

Development must comply with the relevant codes (including other general codes that may not be listed above), subject to the code hierarchy outlined in the introduction to this code.

3.5 Residential Zones - Multi Unit Housing Development Code

10 Introduction – structure of codes

substitute

The Residential Zones – Multi unit Housing Development Code is divided into four Parts:

Part A – Zone Specific Controls provide any specific controls for each Residential Zone.

Part B – General Development Controls provide general controls that are applicable to all development, subject to this Code.

Part C – Development Type Controls provide the specific controls for multi unit housing. This Part is divided into four sub-parts to differentiate between types of multi unit housing and area specific requirements:

Part C(1) - Multi unit housing provide the controls for all multi unit housing, except in those circumstances where Parts C(3) - C(5) would apply.

Part C(3) - Multi unit housing –Inner North Canberra and Gungahlin District - RZ3 and RZ4 Zones provide the controls for multi unit housing in the RZ3 - Urban Residential and RZ4 – Medium Density Residential Zones in Inner North Canberra and the Gungahlin District.

Part C(4) - Multi unit housing –Kingston/Griffith - RZ5 Zone provide the controls for multi unit housing in the R5 Zone as it applies to Kingston and Griffith

Part C(5) - Multi unit housing – Apartments of three (3) storeys or more in other areas and all multi unit housing in the commercial zones provide the controls for apartments of three (3) storeys or more in areas not subject to Parts C(3) – C(4). Provisions of Part C(1) do not apply where specifically identified in provisions of Part C(5). For multi unit housing in the commercial zones Part C(5) applies instead of Part C(1).

Part D – Development Type Controls - Other Forms of Residential Development and Non-Residential Development provide any specific controls for other forms of residential development (not including single dwelling housing) and for non-residential development in all Residential Zones.

Care is needed to check whether any specific controls apply to individual sites.

Each Part is divided into sections referred to as Elements, although each Part may not include provisions for every Element. The Elements describe the various issues for consideration:

1. Restrictions on Use
2. Building and Site Controls
3. Built Form
4. Parking and Site Access
5. Amenity
6. Environment
7. Services

Each Element consists of Intents and Items under which are Rules and Criteria.

Intent describes the purpose of the development controls

Rules provide the quantitative, or definitive, controls for development

Criteria provide the qualitative controls for development

In some instances, there are rules that are mandatory. For clarity of use, the mandatory rules are emphasised by the following words: "This is a mandatory requirement. There is no applicable criterion". Non-compliance with these provisions will result in the refusal of a development application. Conversely, the words "There is no applicable rule" is used when controls cannot be quantitative or definitive and only criteria exist.

Any application of a General Code to a development proposal is identified as part of the relevant rule or criteria.

Where more than one type of Code applies to a development, the order of precedence when there is inconsistency of provisions between Codes, as defined by the Act, is Precinct Code, then Development Code, and then General Code.

11 Part A(5) – RZ5 – High density residential zone, Element 2, section 2.1: Height

omit the words and three dot points after note 2

12 Part A(5) – RZ5 – High density residential zone, Element 2, section 2.1: Height, R26, R26A, C26A, C27, R27A

omit

13 Part C – Development type controls

substitute text directly below the heading:

This part of the Code provides the controls for multi unit housing. It is divided into four sub-parts.

Part C(1) provide the controls for multi unit housing in all zones except in the commercial zones and except where provided for by Parts C(3) - C(4). Part C(1) is therefore the default position for multi unit housing. Parts C(3) and C(4) provide controls that apply instead of Part C(1) in other areas. Part C(5) provides controls for apartments of three (3) storeys or more in areas not subject to parts C(3) – C(4). Provisions of Part C(1) do not apply where specifically identified in provisions of Part C(5). For multi unit housing in the commercial zones Part C(5) applies instead of Part C(1).

Part C(3) provide the controls for multi unit housing in the RZ3 - Urban Residential and RZ4 – Medium Density Residential Zones in Inner North Canberra and the Gungahlin District. These controls apply instead of Part C(1).

Part C(4) provide the controls for multi unit housing in excess of 2 storeys in the RZ5 – High Density Residential Zone as it applies to Kingston and Griffith. These controls apply instead of Part C(1).

Part C(5) – provide the controls for apartments of three (3) storeys or more in areas not subject to parts C(3) – C(4). Provisions of Part C(1) do not apply where specifically identified in provisions of Part C(5). For multi unit housing in the commercial zones Part C(5) applies instead of Part C(1).

14 Part C(2) – Multi unit housing – additional controls for Deakin and Forrest

omit

15 Part C(5) – Multi unit housing – apartments of three (3) storeys or more in other areas and all multi unit housing in commercial zones

substitute the first paragraph under the heading

This part of the code provides controls for apartments of three (3) or more storeys in areas not subject to parts C(3) – C(4). Provisions of Part C(1) do not apply where specifically identified in provisions of Part C(5). Except for commercial zones Parts A and B of this Code also apply.

substitute

<p>R228</p> <p>Where a <i>block</i> has one or more of the following characteristics:</p> <ul style="list-style-type: none"> i) identified in a precinct code as being potentially affected by noise from external sources ii) adjacent to a <i>major road</i> iii) located in a commercial zone. <p>Dwellings are constructed to comply with the relevant sections of all of the following:</p> <ul style="list-style-type: none"> a) AS/NZS 2107:2000 - <i>Acoustics – Recommended design sound levels and reverberation times for building interiors</i> (the relevant satisfactory recommended interior design sound level) b) AS/NZS 3671 - <i>Acoustics – Road Traffic Noise Intrusion Building Siting and Design</i>. <p>Compliance with this rule is demonstrated by a noise management plan prepared by a member of the Australian Acoustic Society with experience in the assessment of noise, and endorsed by the EPA. For other than road traffic noise, the noise level immediately adjacent to the dwelling is assumed to be the relevant noise zone standard specified in ACT Environment Protection Regulation 2005.</p> <p>Notes:</p> <ul style="list-style-type: none"> 1. AS/NZS 3671 applies to road traffic noise from roads carrying, or expected to carry, more than 2000 vehicles per day. 2. A condition of development approval may be imposed to ensure compliance with the endorsed noise management plan. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
--	---

17 Part D – Development Type controls – other forms of residential development and non-residential development, Element 1, sections 1.9, 1.11, and 1.12

omit

18 Relevant codes

Insert after Introduction

Relevant codes

In addition to this code, precinct codes and general codes may be relevant.

Precinct codes are located in section 10 of the Territory Plan.

The following general codes, in particular, may be relevant to development in residential zones.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Community and Recreational Facilities Location Guidelines General Code

Crime Prevention through Environmental Design General Code

Home Business General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Residential Boundary Fences General Code

Signs General Code

Water Use and Catchment General Code

Water Ways: Water Sensitive Urban Design General Code

General codes are found in part 11 of the Territory Plan.

Development must comply with the relevant codes (including other general codes that may not be listed above), subject to the code hierarchy outlined in the introduction to this code.

3.6 Industrial Zones Development Code

19 Introduction – Structure of codes

- i) Insert the word underlined*
- ii) Omit the words crossed out*

Structure of codes

The Industrial Zones Development Code is divided into two ~~three~~ Parts:

Part A – Zone Specific Controls provide any specific controls for each Industrial Zone (IZ1 General Industrial Zones, and IZ2 Industrial Mixed Use).

Part B – General Development Controls provide general controls that are applicable to all Industrial Zones.

Part C – Site Specific Controls provide any additional specific controls for particular industrial areas or sites. [Care is needed to check whether any specific controls apply to individual sites]

20 Relevant codes

Insert after Introduction:

Relevant codes

In addition to this code, **precinct codes** and **general codes** may be relevant.

Precinct codes are located in section 10 of the Territory Plan.

The following **general codes**, in particular, may be relevant to development in residential zones.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Community and Recreational Facilities Location Guidelines General Code

Crime Prevention through Environmental Design General Code

Home Business General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Signs General Code

Water Use and Catchment General Code

Water Ways: Water Sensitive Urban Design General Code

General codes are found in part 11 of the Territory Plan.

Development must comply with the relevant codes (including other general codes that may not be listed above), subject to the code hierarchy outlined in the introduction to this code.

21 Part A(1) - IZ1 - General industrial zone, Element 2, section 2.1: Subdivision, rule R1

Omit the words crossed out

Unless stated otherwise in the lease, ~~or where located within AMTECH Estate, Symonston (Figure 3):~~

22 Part A(1) - IZ1 - General industrial zone, Element 2, section 2.2: Bushfire, rule R1A

substitute

<p>R1A</p> <p>This rule applies to blocks identified in a precinct code as having a specified Bushfire Attack Level.</p> <p>Buildings are constructed to Australian Standard AS3959 – <i>Construction of buildings in bushfire prone areas</i> for the specified Bushfire Attack Level.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
---	---

23 Part A(2) – IZ2 – Industrial mixed use zone, Element 1, section 1.1: Restrictions on use, rule R1

Substitute the words:

Other than in West Fyshwick (Figure 1), the maximum Gross Floor Area per shop is as follows:

with:

The maximum gross floor area per shop is as follows:

24 Part B, Element 4, section 4.1: Vehicle access and parking, R25 and C25

omit

25 Part C – Site Specific Controls

omit

26 Appendix A

omit

3.7 Parks and Recreation Zones Development Code

27 Relevant codes

Insert after Introduction:

Relevant codes

In addition to this code, **precinct codes** and **general codes** may be relevant.

Precinct codes are located in section 10 of the Territory Plan.

The following **general codes**, in particular, may be relevant to development in residential zones.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Community and Recreational Facilities Location Guidelines General Code

Crime Prevention through Environmental Design General Code

Home Business General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Signs General Code

Water Use and Catchment General Code

Water Ways: Water Sensitive Urban Design General Code

General codes are found in part 11 of the Territory Plan.

Development must comply with the relevant codes (including other general codes that may not be listed above), subject to the code hierarchy outlined in the introduction to this code.

3.8 Transport and Services Zone Development Code

28 Relevant codes

Insert after Introduction:

Relevant codes

In addition to this code, **precinct codes** and **general codes** may be relevant.

Precinct codes are located in section 10 of the Territory Plan.

The following **general codes**, in particular, may be relevant to development in residential zones.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Community and Recreational Facilities Location Guidelines General Code

Crime Prevention through Environmental Design General Code

Home Business General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Residential Boundary Fences General Code

Signs General Code

Water Use and Catchment General Code

Water Ways: Water Sensitive Urban Design General Code

General codes are found in part 11 of the Territory Plan.

Development must comply with the relevant codes (including other general codes that may not be listed above), subject to the code hierarchy outlined in the introduction to this code.

3.9 Non-Urban Zones Development Code

29 Relevant codes

Insert after Introduction:

Relevant codes

In addition to this code, **precinct codes** and **general codes** may be relevant.

Precinct codes are located in section 10 of the Territory Plan.

The following **general codes**, in particular, may be relevant to development in residential zones.

Access and Mobility General Code

Bicycle Parking General Code

Communications Facilities and Associated Infrastructure General Code

Community and Recreational Facilities Location Guidelines General Code

Crime Prevention through Environmental Design General Code

Home Business General Code

Parking and Vehicular Access General Code

Planning for Bushfire Risk Management General Code

Residential Boundary Fences General Code

Signs General Code

Water Use and Catchment General Code

Water Ways: Water Sensitive Urban Design General Code

General codes are found in part 11 of the Territory Plan.

Development must comply with the relevant codes (including other general codes that may not be listed above), subject to the code hierarchy outlined in the introduction to this code.

30 Introduction – Structure of codes

- i) Insert the word underlined*
- ii) omit the words crossed out*

Structure of codes

The Non-Urban Zones Development Code is divided into two ~~three~~ Parts:

Part A – Zone Specific Controls provide any specific controls for each Non-Urban Zone (NUZ1 Broadacre Zone, NUZ2 Rural Zone, NUZ3 Hills, Ridges and Buffer Zone, NUZ4 River Corridor Zone, NUZ5 Mountains and Bushland Zone).

Part B – General Development Controls provide general controls that are applicable to all Non-Urban Zones.

Part C – Site Specific Controls provide any additional specific controls for particular industrial areas or sites. [Care is needed to check whether any specific controls apply to individual sites]

31 Part A(2) – NUZ2 – Rural Zone, Element 1, section 1.2: Tourist facility

omit

32 Part A(5) – NUZ5 – Mountains and bushland, Element 1, section 1.2: Development in water supply catchments

omit

33 Part C – Site Specific Controls

omit

3.10 Part 12 - Overlays

34 Section 12.4 – Urban Open Space Zones

omit

35 Section 12.6 - Precincts

omit

3.11 Gungahlin Town Centre Precinct Code

36 Gungahlin Town Centre Precinct Code

omit

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-għajjnuna t'interpretu, òmpel:
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 ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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