



Planning and Development Act 2007

REPORT ON CONSULTATION

**Proposed Technical Amendment to the
Territory Plan**

**Code Variation
V2008-11**

February 2009

Table of Contents

1. INTRODUCTION	3
2. REPRESENTATIONS	3
2.2 Discussion of Issues Raised	3
A. Allowable encroachments.	3
B. Driveway grade measures taken from the kerb	3
C. External clothes drying facilities are to be provided behind the building line	4
D. Wording of the notes relating to National Capital Plan requirements	4
E. Note regarding plot ratio calculation under C32 of the <i>Multi-Unit Housing Development Code</i>	4
F. Other comments received	5

1. INTRODUCTION

This report outlines the issues raised in submissions received from the limited consultation process for proposed technical amendment V2008-11, in accordance with section 90 of the *Planning and Development Act 2007*.

Although there is no legislative requirement to prepare a consultation report, this document has been prepared to address the issues raised during the consultation period.

The final variation, taking into account the issues raised in this consultation report, came into effect on 21 November 2008 and can be accessed at www.legislation.act.gov.au/ni/2008-542/20081121-38163/pdf/2008-542.pdf.

2. REPRESENTATIONS

Proposed technical amendment V2008-11 was released for comment on 21 November 2008. The closing date for comments was 15 December 2008.

A total of 3 public submissions were received.

2.2 Discussion of Issues Raised

A. Allowable encroachments

Variation 4 in the consultation document

It was suggested that allowing eaves to encroach “up to 1m wide” within the minimum setback may not be appropriate in some circumstances. An alternative was proposed of specifying the maximum proportion an encroachment may protrude (for example, within 40% of the setback).

It was also requested that a criterion be provided to accompany the new rule.

Response:

The 1m width has been deleted from this variation. The suggestion for a proportional measure will be considered as part of the planning policy review.

A new criterion has been prepared (C32A) to accompany the new rule.

B. Driveway grade measures taken from the kerb

Variation 5 in the consultation document relating to the Single Housing Dwelling Development Code; also R72 of the Multi Unit Housing Development Code.

Concern was raised about specifying that the maximum driveway grade would be measured from the kerb.

Response:

As the particular rules relate to verge crossings, it is appropriate that the maximum grade is measured from the kerb (and not the front boundary). It should be noted that the rule applies to all residential areas covered by Part C(1) so includes redevelopment of verge crossings in existing areas.

C. External clothes drying facilities are to be provided behind the building line

Variation 11 of the consultation document

It was suggested that the requirement for clothes drying facilities to be “behind the building line” was unnecessary, as such facilities could be provided within an approved courtyard forward of the building line and still be screened from public view.

Response:

The words “behind the building line” have been removed.

D. Wording of the notes relating to National Capital Plan requirements

Variations 12 and 16 of the consultation document

It was suggested that the proposed wording “permitting buildings to be at least 3 storeys in height” was confusing, as “permit” implies an optional requirement and “at least” requires a mandatory requirement.

Response:

The wording has been amended to “permit buildings to exceed the height requirements that would otherwise apply”.

E. Note regarding plot ration calculation under C32 of the *Multi-Unit Housing Development Code*

Variation 26 of the consultation document

Concern was raised that moving the note from its current position underneath Element 2 to become part of C34 changed its effect from a mandatory requirement to a discretionary criterion.

Response:

The note relates to the calculation of plot ratio, where a maximum plot ratio is specified (refer to Part A of the code). Because C34 of Part B only applies in circumstances where the specified maximum plot ratio is lawfully exceeded, the note does not form part of that control but is for information. This is in contrast to rules R8, R9, R10, R15, R16, R20 and R24 under Part A that specify the maximum plot ratios, and where the note should properly form part of the controls.

To avoid any confusion, the variation will be amended as follows:

- The notes relating to R8, R9, R10, R15, R16, R20 and R24 will remain where they currently are rather than being moved to within the rules, but the note will be referenced with an asterisk (*) within the rules.
- The note relating to C34 will have the words “Where a maximum plot ratio is specified” removed. The note will remain where it currently is, but it will be referenced with a double asterisk (**) within the criterion.

F. Other comments received

Several other comments were received which did not specifically relate to amendments proposed, including density on community use blocks and non-standard blocks and the definition of attic. These have been noted and will be considered as part of the Authority’s wider, ongoing review of planning policy.