

Planning and Development (Technical Amendment - Moncrieff) Plan Variation 2016 (No 1)*

Notifiable Instrument NI2016— 13

Technical Amendment No 2016-01

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment - Moncrieff) Plan Variation 2016 (No 1)*.

2 Technical amendment

I am satisfied under section 89(1)(a) of the *Planning and Development Act 2007* (the **Act**) that the Moncrieff plan variation is a technical amendment to the Territory Plan.

3 Commencement

This technical amendment commences on the day after it is notified.

4 Meaning of *Moncrieff plan variation*

For this instrument:

Moncrieff plan variation means the technical amendment to the Territory plan variation 2016-01 in the schedule.

Note: no consultation was required in relation to the Moncrieff plan variation under section 88 of the Act.

Jim Corrigan
Delegate of the planning and land authority
3 February 2016

*Name amended under Legislation Act, s 60



ACT
Government

Environment and Planning

Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2016-01

Future urban area variation and minor
adjustments

February 2016

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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 Overlay from sections 43, 66, 72 and 73 in the Division of Moncrieff.

Moncrieff Precinct Map and Code

- The Moncrieff Precinct Map is varied to include sections 43, 66, 72 and 73.
- Amend existing R1 Rules and Criteria.
- Amend existing Figure 1.
- Include new Rules and Criteria which relate to sections 43, 66, 72 and 73 in the Division of Moncrieff.
- Amend existing Ongoing Provision figure to include sections 43, 66, 72 and 73 in the Division of Moncrieff.
- Include new figures showing the new rules and criteria relating to sections 43, 66, 72 and 73 in the Division of Moncrieff.

1.2 Public consultation

Under section 88 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 *Planning and Development Act 2007* (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:

- (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 (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
- (c) a variation in relation to a future urban area under section 95 (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);
- (e) a variation to change the boundary of a zone or overlay under section 96A (Rezoning – boundary changes);
- (f) a variation required to bring the territory plan into line with the national capital plan;
- (g) a variation to omit something that is obsolete or redundant in the territory plan;
- (h) a variation to clarify the language in the territory plan if it does not change the substance of the plan;
- (i) a variation to relocate a provision within the territory plan if the substance of the provision is not changed.

TA2016-01 has been prepared in accordance with section 87 (a) and d).

2. EXPLANATION

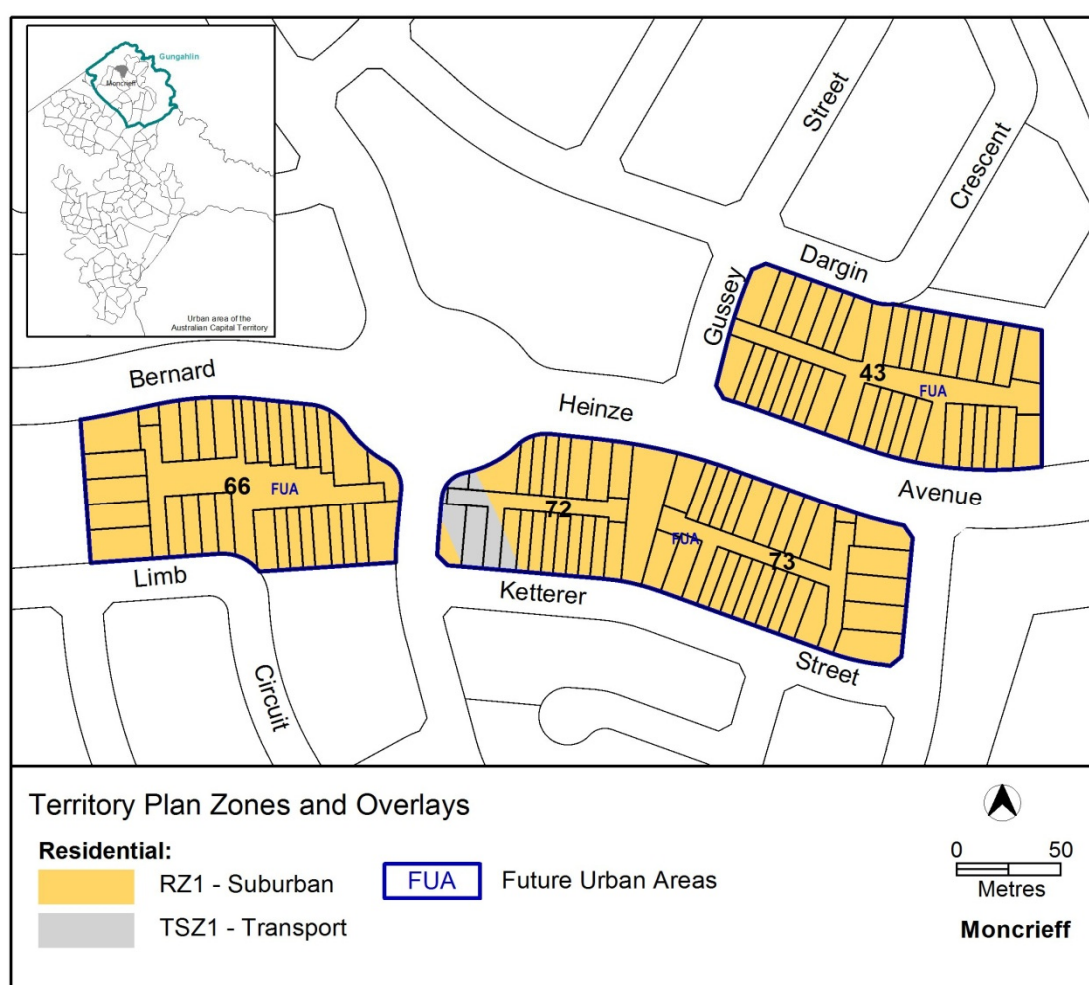
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

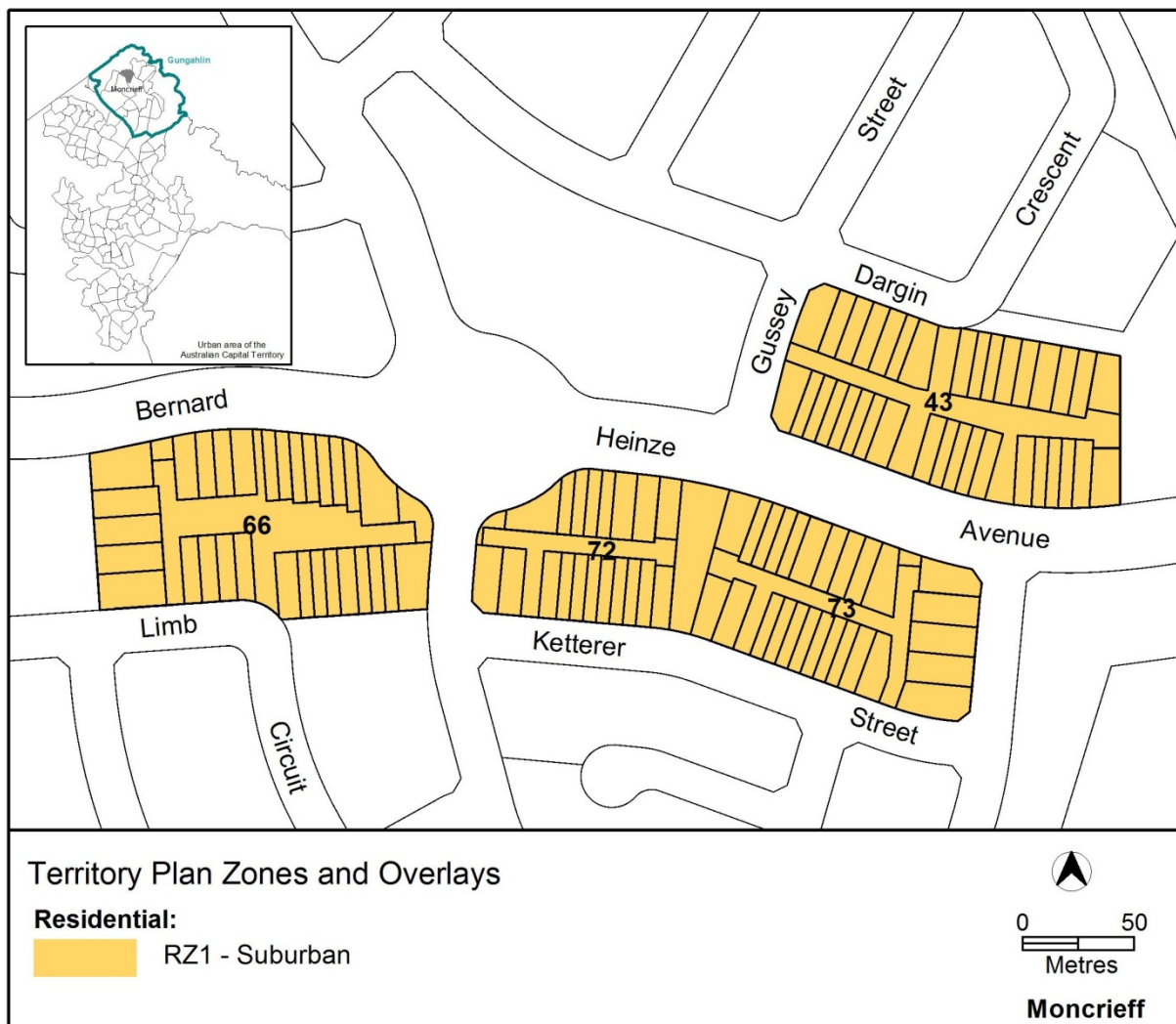
Variation to the Territory Plan

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

Existing Territory Plan Map



Proposed Territory Plan Map



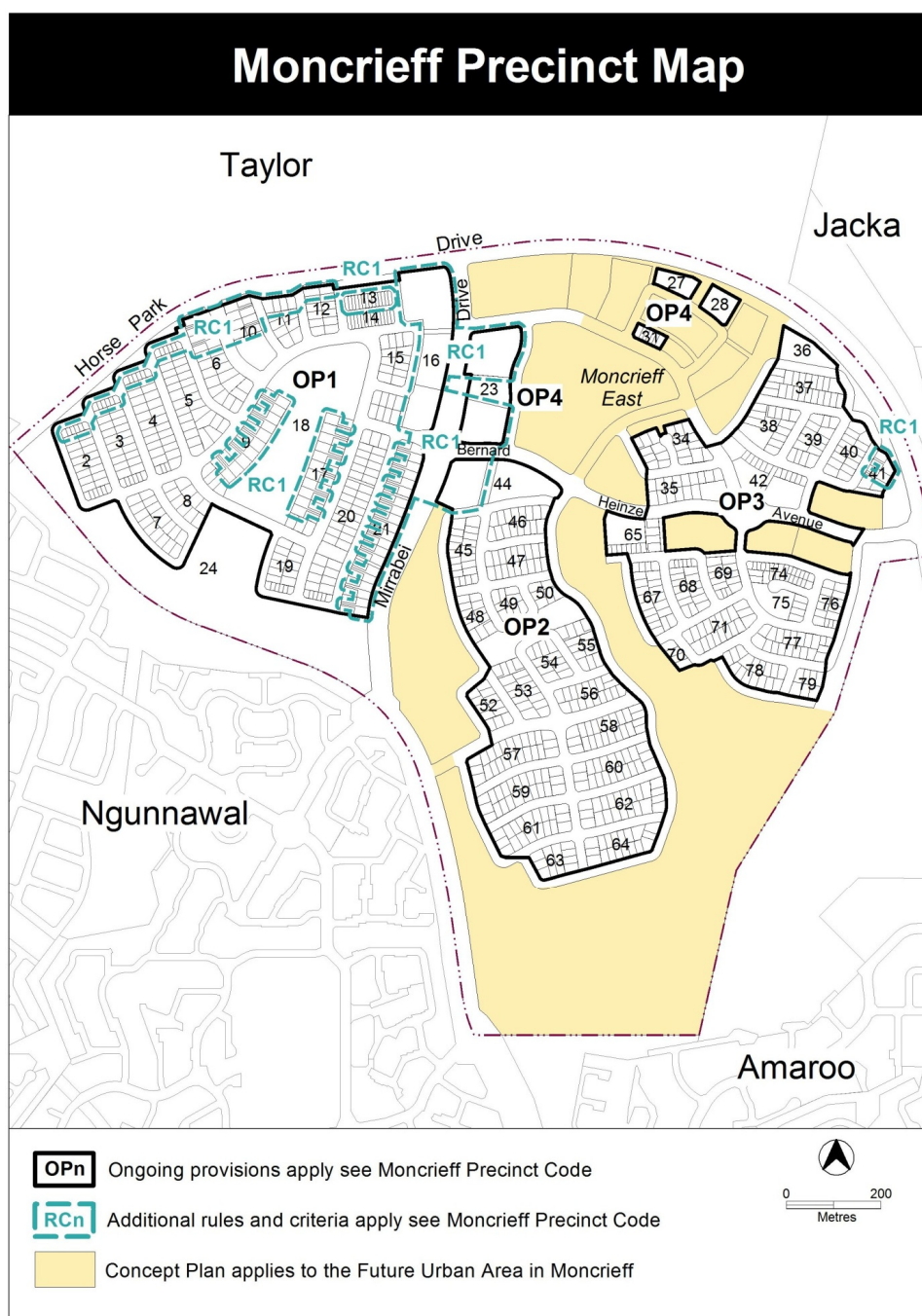
2.2 Moncrieff Precinct Map and Code

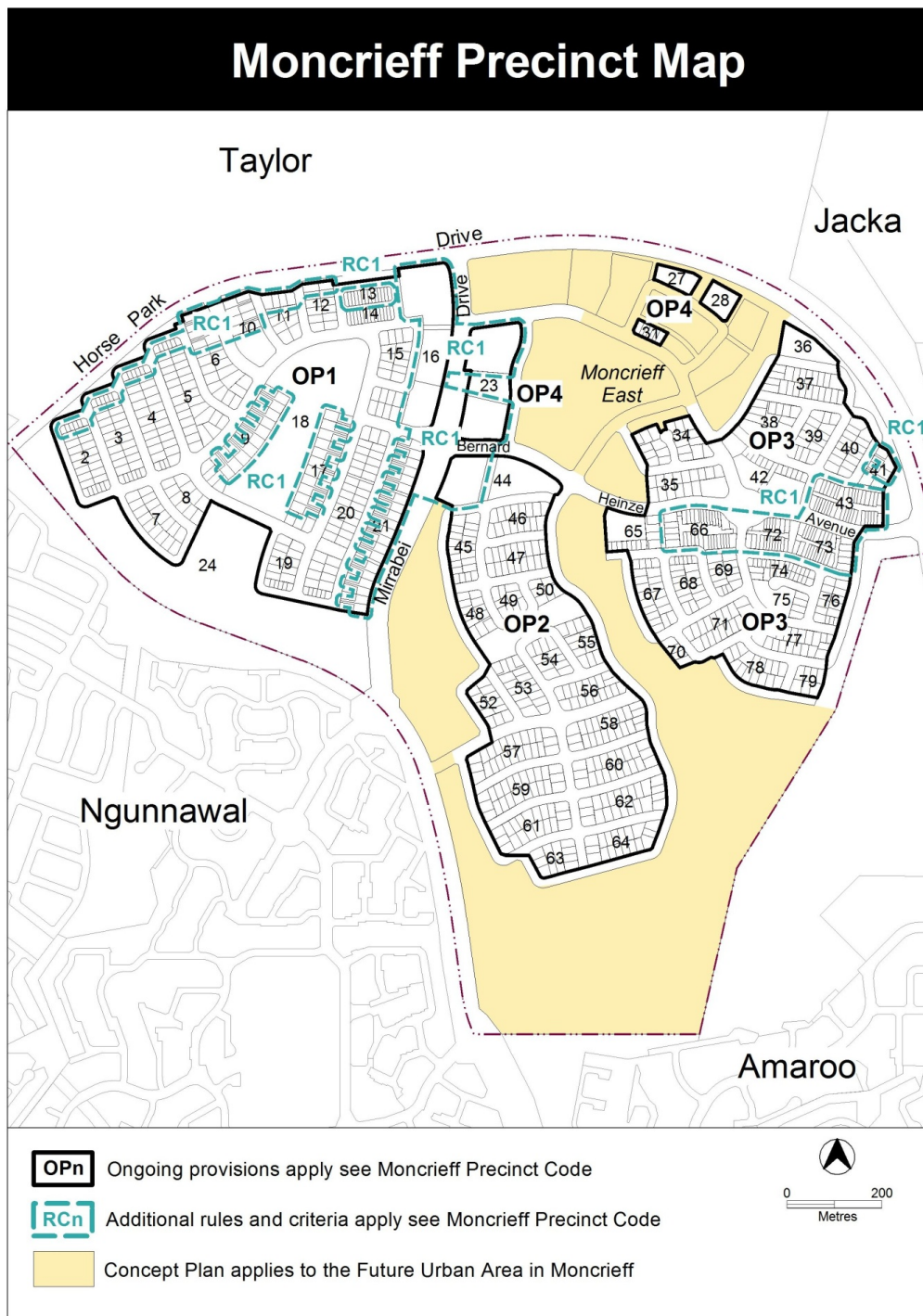
Variation to the Moncrieff Precinct Map and Code

The Moncrieff precinct map and code is varied to incorporate ongoing block specific provisions.

2.2.1 Moncrieff Precinct Map

Existing Moncrieff precinct map





2.2.2 RC1 - Residential

Substitute existing rule R1 to incorporate new rules and criteria being included in the Moncrieff precinct map and code. These changes reflect the outcomes of the assessment of the estate development plan for Moncrieff.

Existing provision

<p>R1</p> <p>This rule applies to blocks identified in Figure 1.</p> <p>Additional zero boundary setback to permit garage construction.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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Proposed provision

<p>R1</p> <p>This rule applies to blocks identified in Figures 1, 4, 5, 6 and 7.</p> <p>Zero setback permitted to rear lane for garage construction.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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2.2.3 RC1 – Residential

Incorporate new rules and criteria into the Moncrieff precinct map and code. These changes reflect the outcomes of the assessment of the estate development plan for Moncrieff.

Proposed new provisions

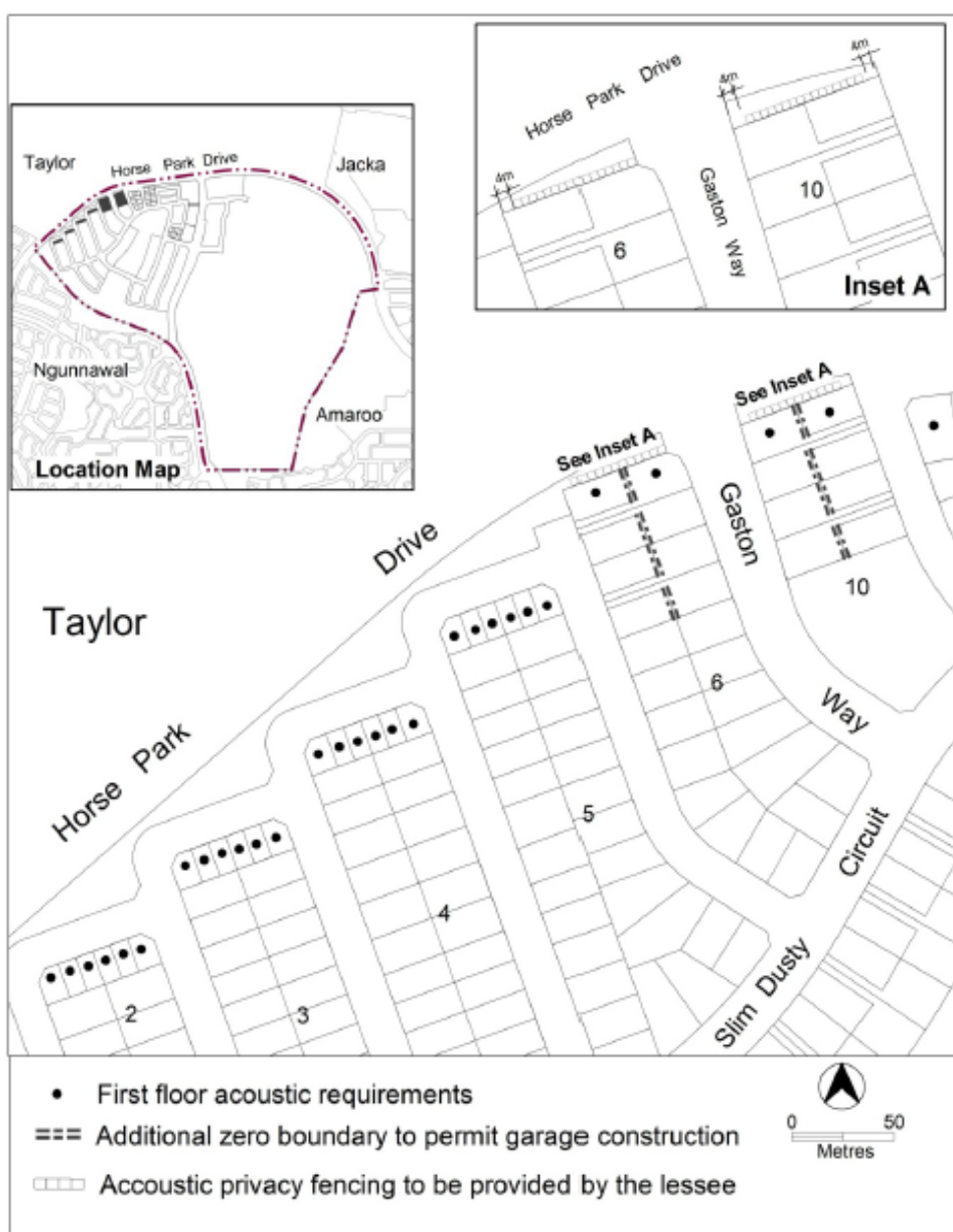
<p>R5</p> <p>This rule applies to blocks or parcels in locations identified in Figure 5.</p> <p>Minimum front boundary setbacks for lower and upper floor levels and setbacks to garage and carports are nominated in Figure 5.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R6</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4, 5, 6 and 7.</p> <p>Front boundary setbacks for lower and upper floor levels including garages and carports are nominated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

<p>R7</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4, 5, 6 and 7.</p> <p>Minimum front boundary setback of 0m applies for courtyard walls to a maximum of 1.8m in height, on the blocks nominated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R8</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4, 5, 6 and 7.</p> <p>Minimum setback of 0.9m applies for front courtyard walls to a maximum of 1.5m in height on the blocks nominated.</p> <p>Courtyard walls comply with the following</p> <ul style="list-style-type: none"> a) Shrub planting is to be provided forward of the courtyard wall b) Where the length of the boundary is greater than 12m the courtyard wall is to be a maximum of 50% of the boundary length and the continuous length of the wall shall not exceed 6m c) Courtyard walls are to comply with sight lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1 – the Australian Standard for Off-Street Parking. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>1. 2 Principal private open space</p>	
<p>R9</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4, 5, 6 and 7.</p> <p>Minimum dimensions for principal private open space are:</p> <ul style="list-style-type: none"> a) For blocks marked <u>3m</u> – 3m x 3m b) For blocks marked <u>6m</u> – 6m x 6m 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

2.2.4 Figure 1 – Moncrieff residential area 1

Substitute figure 1 to show rules and criteria for sections 6 and 10 in Inset A and amend the symbol used to show additional zone boundary to permit garage construction.

Existing Figure 1



Location Map

Taylor Horse Park Drive Jacka

Ngunnawal Amaroo

Inset A

Horse Park Drive

Gaston Way

4m

4m

4m

G G

G G

G G

G G

G G

10 G G

G G

See Inset A

See Inset A

Gaston Way

10

6

5

4

3

2

Horse Park Drive

Horse Park

Way

Circuit

Slim Dusty

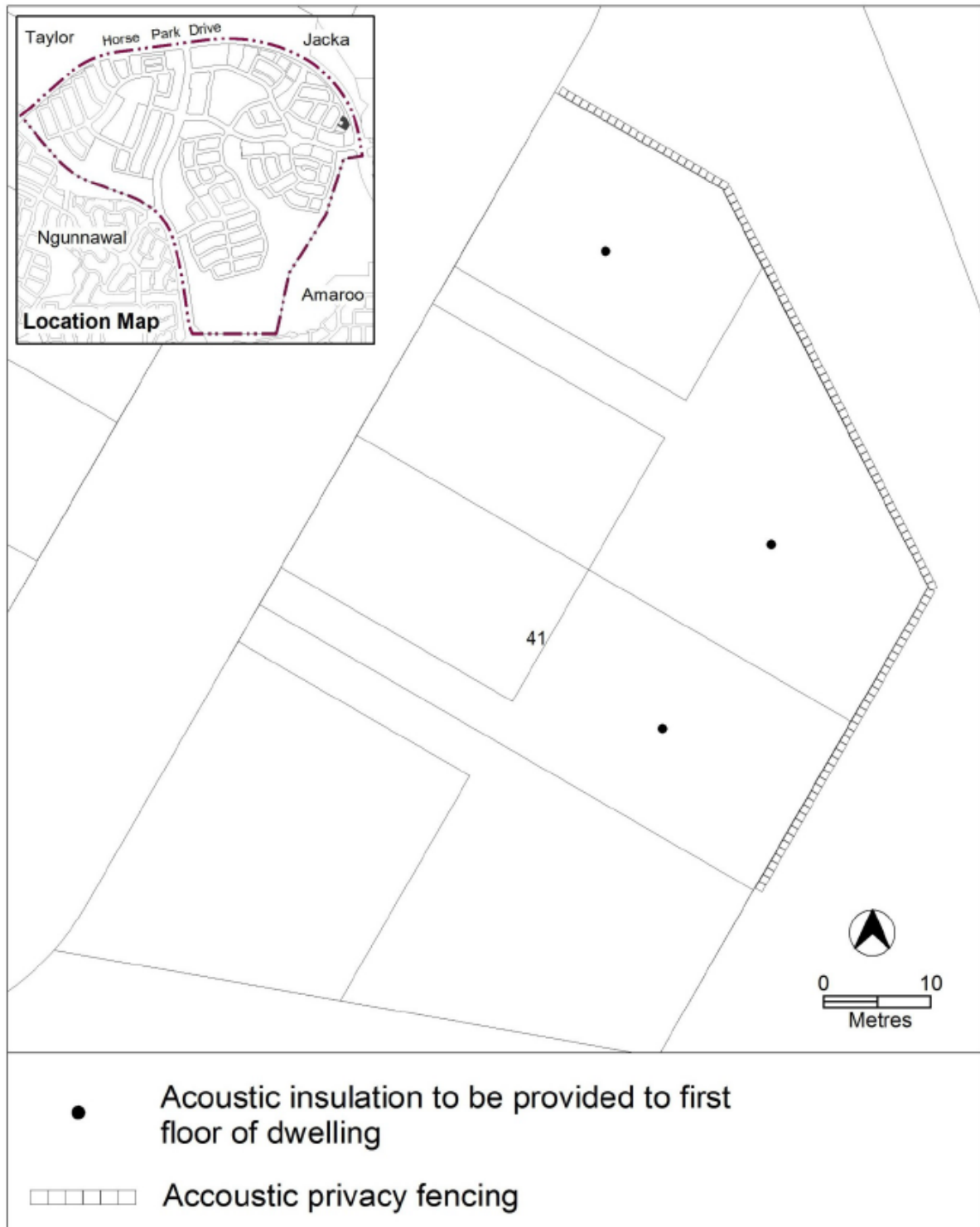
- Acoustic insulation to be provided to first floor of dwelling
- G Additional zero boundary setback to permit garage construction
- Acoustic privacy fencing

0 50 Metres

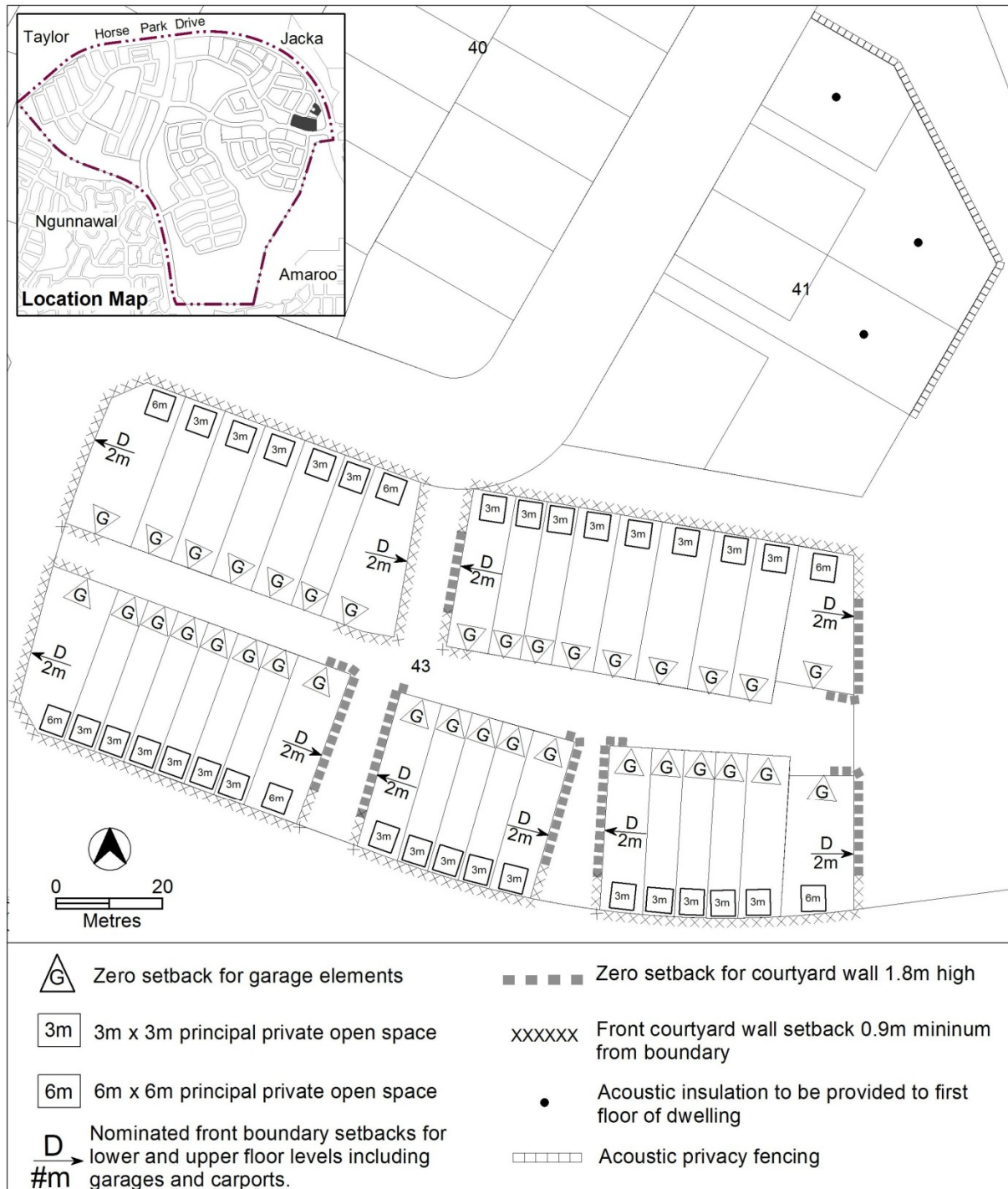
2.2.5 RC1 - Residential

Substitute existing figure 4 to show rules and criteria for sections 41 and 43.

Existing Figure 4



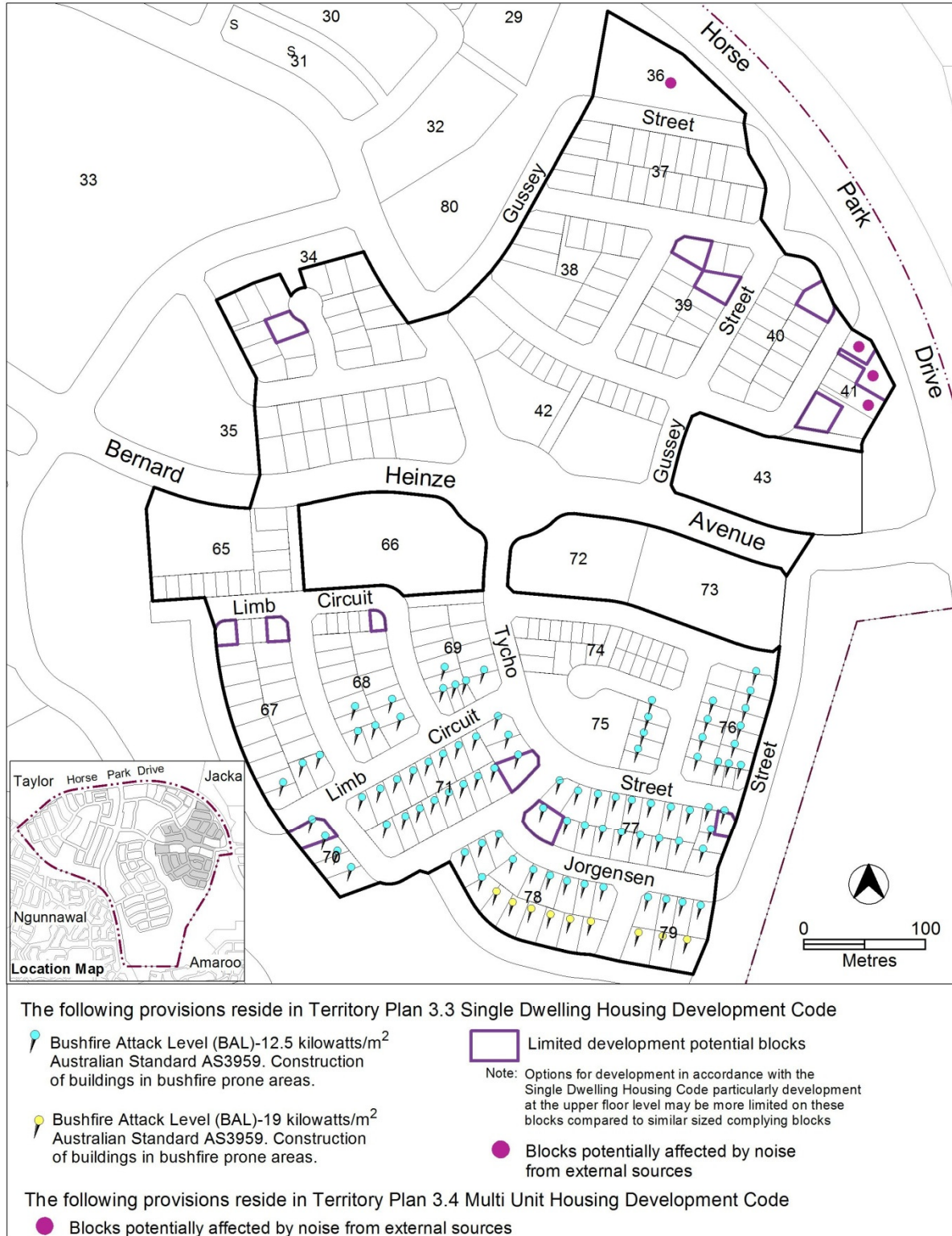
Proposed Figure 4



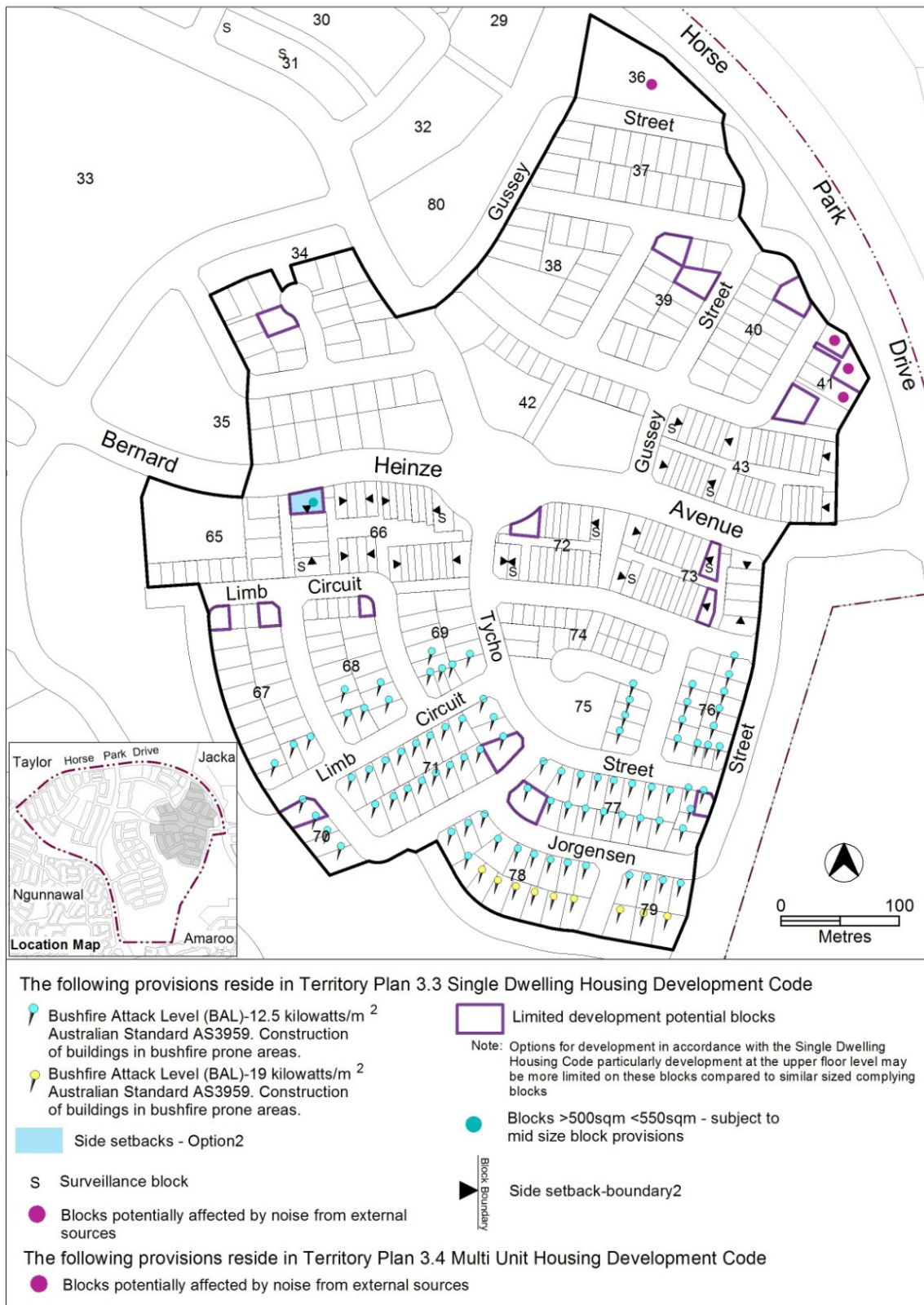
2.2.6 –OP3 Moncrieff residential area

Substitute existing figure 7 to include ongoing provisions for sections 43, 66, 72 and 73.

Existing Figure 7



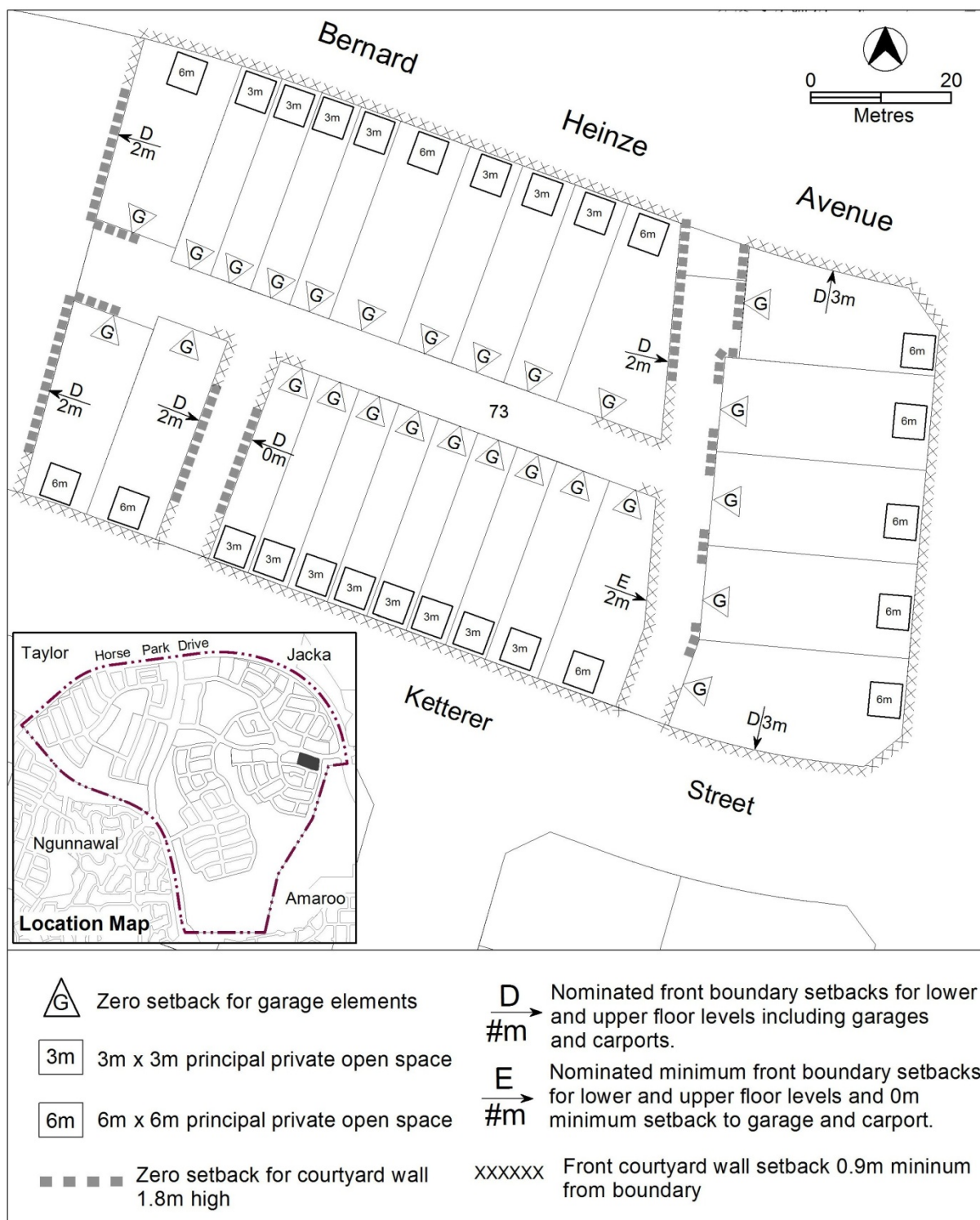
Proposed Figure 7

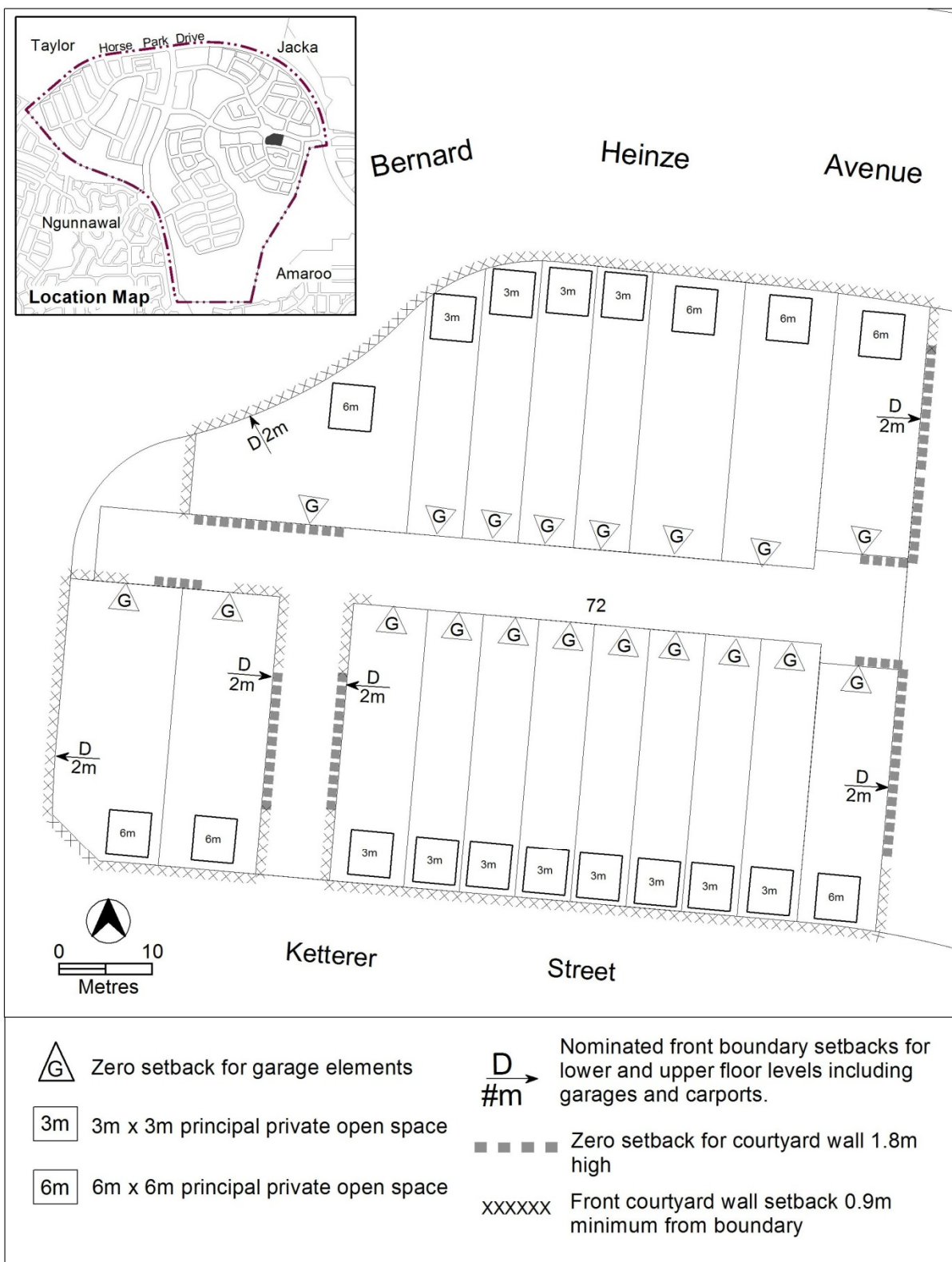


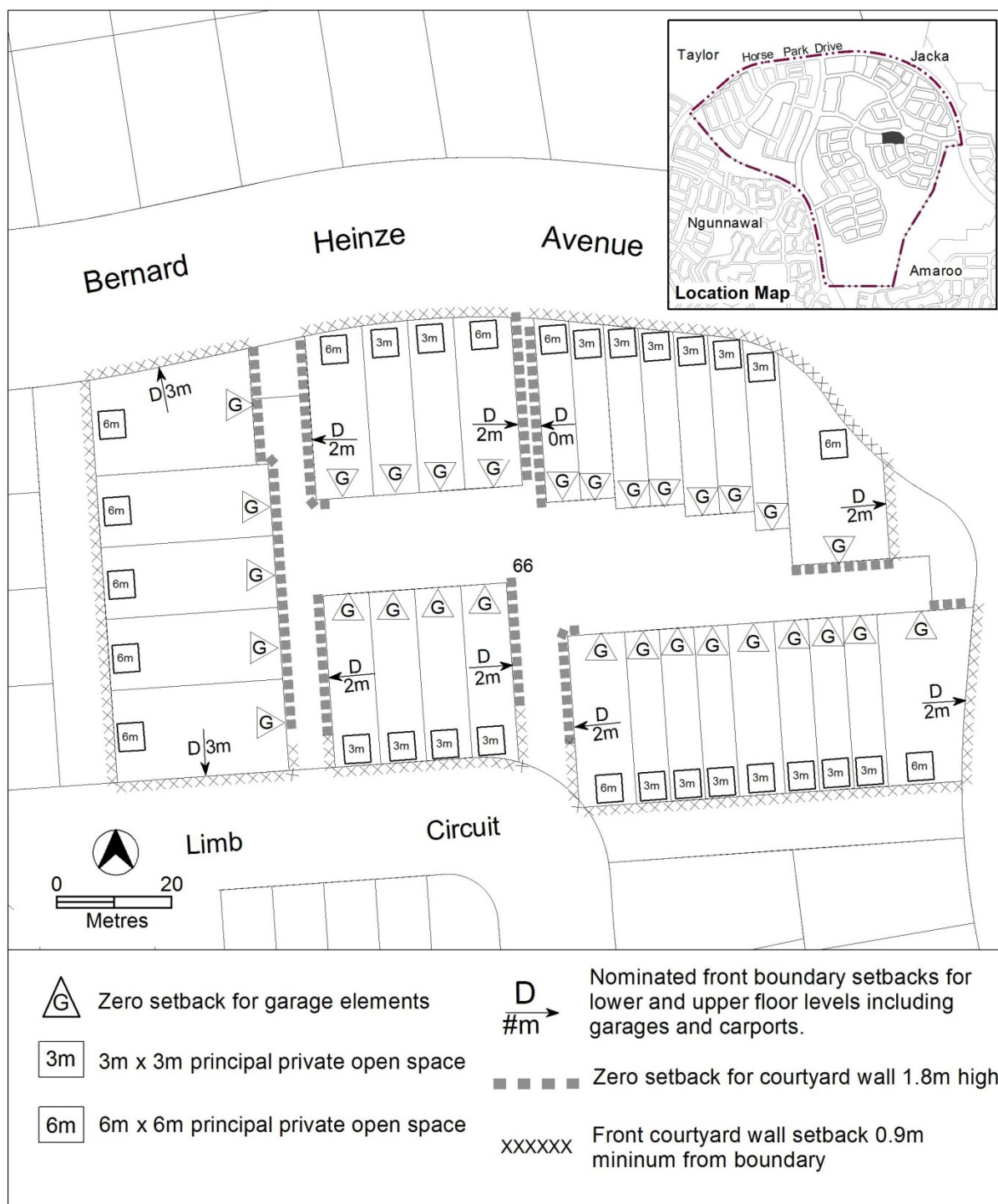
2.2.7 RC1 Residential

Incorporate new figures to show new rules and criteria into the Moncrieff precinct map and code.

Proposed New Figures







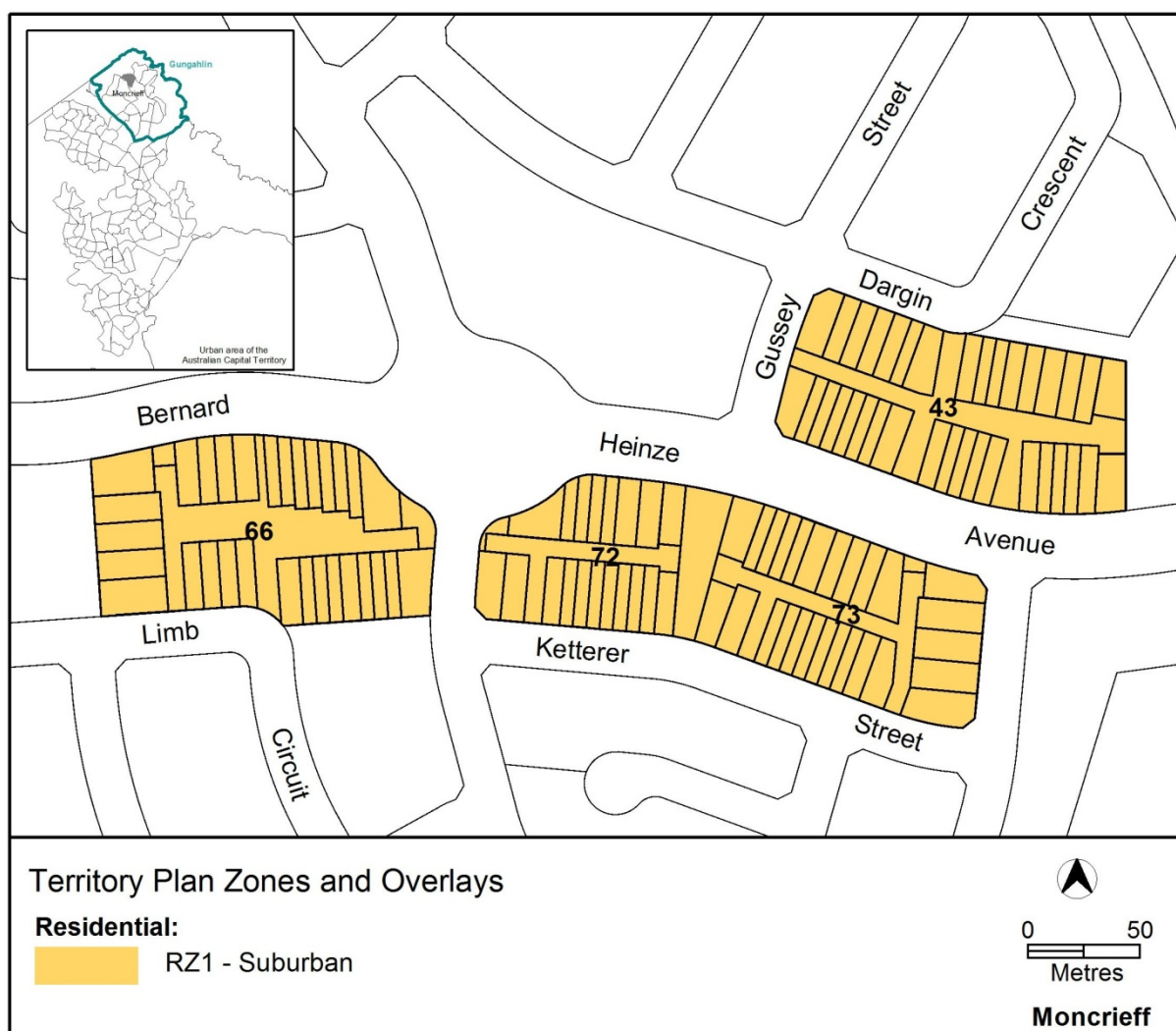
3. TECHNICAL AMENDMENT

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

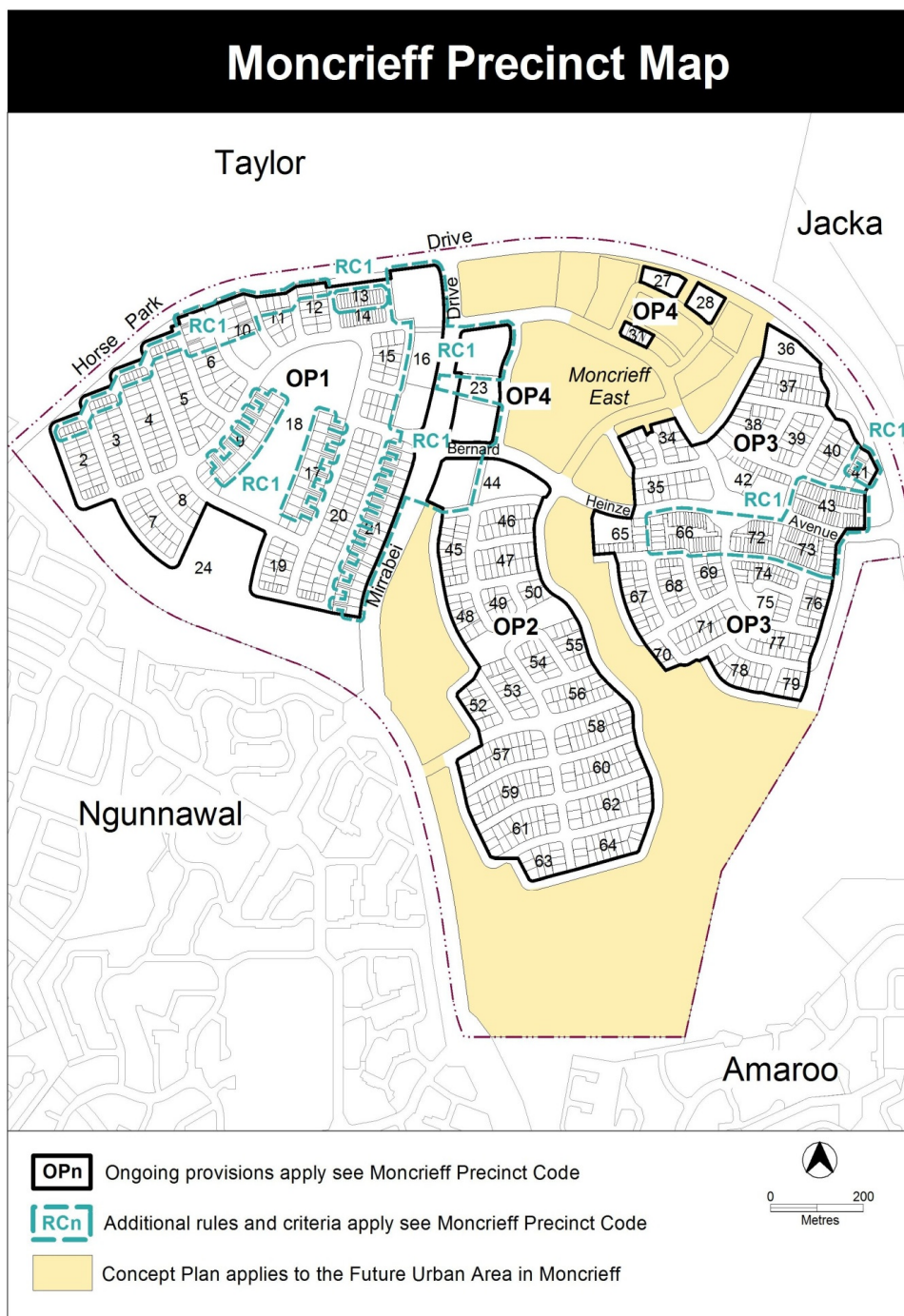
The Territory Plan map is varied as indicated below to identify the zones that apply to the land ceasing to be in a future urban area.



3.2 Moncrieff Precinct Map and Code

2. Moncrieff Precinct Map

Substitute



3. RC1 - Residential

Substitute existing rule 1 (R1)

<p>R1</p> <p>This rule applies to blocks identified in Figures 1, 4, 5, 6 and 7.</p> <p>Zero setback permitted to rear lane for garage construction.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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4. RC1 - Residential

Insert new rules 5-9 after existing rule 4 (R4). Renumber existing rules 5-9 (R5-9) to rule 10-14 (R10-14)

<p>R5</p> <p>This rule applies to blocks or parcels in locations identified in Figure 5.</p> <p>Minimum front boundary setbacks for lower and upper floor levels and setbacks to garage and carports are nominated in Figure 5.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R6</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4, 5, 6 and 7.</p> <p>Front boundary setbacks for lower and upper floor levels including garages and carports are nominated.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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<p>R8</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4, 5, 6 and 7.</p> <p>Minimum setback of 0.9m applies for front courtyard walls to a maximum of 1.5m in height on the blocks nominated.</p> <p>Courtyard walls comply with the following</p> <ul style="list-style-type: none"> a) Shrub planting is to be provided forward of the courtyard wall b) Where the length of the boundary is greater than 12m the courtyard wall is to be a maximum of 50% of the boundary length and the continuous length of the wall shall not exceed 6m c) Courtyard walls are to comply with sight lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1 – the Australian Standard for Off-Street Parking. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>1. 2 Principal private open space</p>	
<p>R9</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4, 5, 6 and 7.</p> <p>Minimum dimensions for principal private open space are:</p> <ul style="list-style-type: none"> a) For blocks marked 3m – 3m x 3m b) For blocks marked 6m – 6m x 6m 	<p>This is a mandatory requirement. There is no applicable criterion.</p>

5. Figure 1 – Moncrieff residential area 1

Substitute

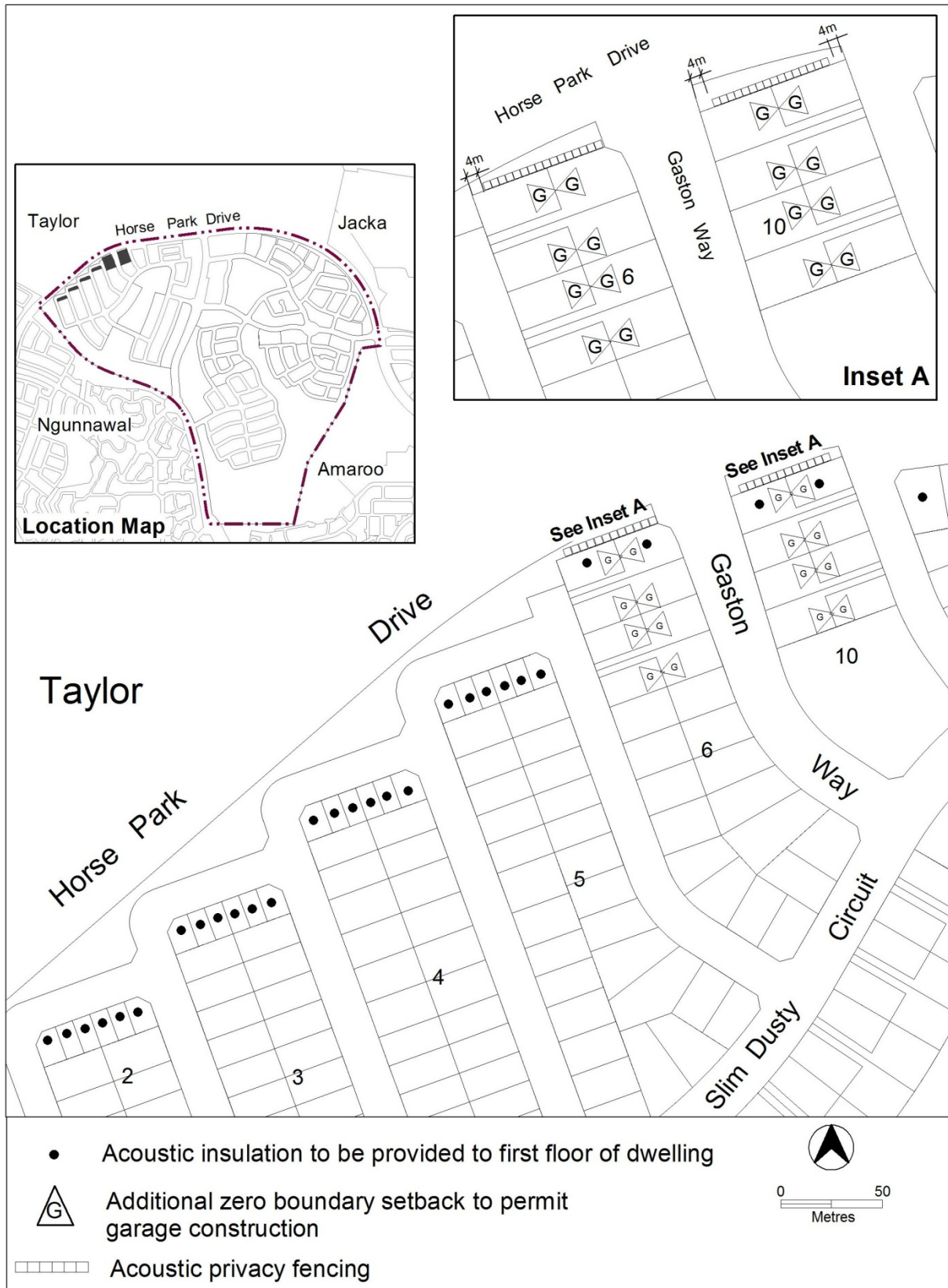


Figure 1 Moncrieff residential area 1

6. Figure 4 – Moncrieff residential area 4

Substitute

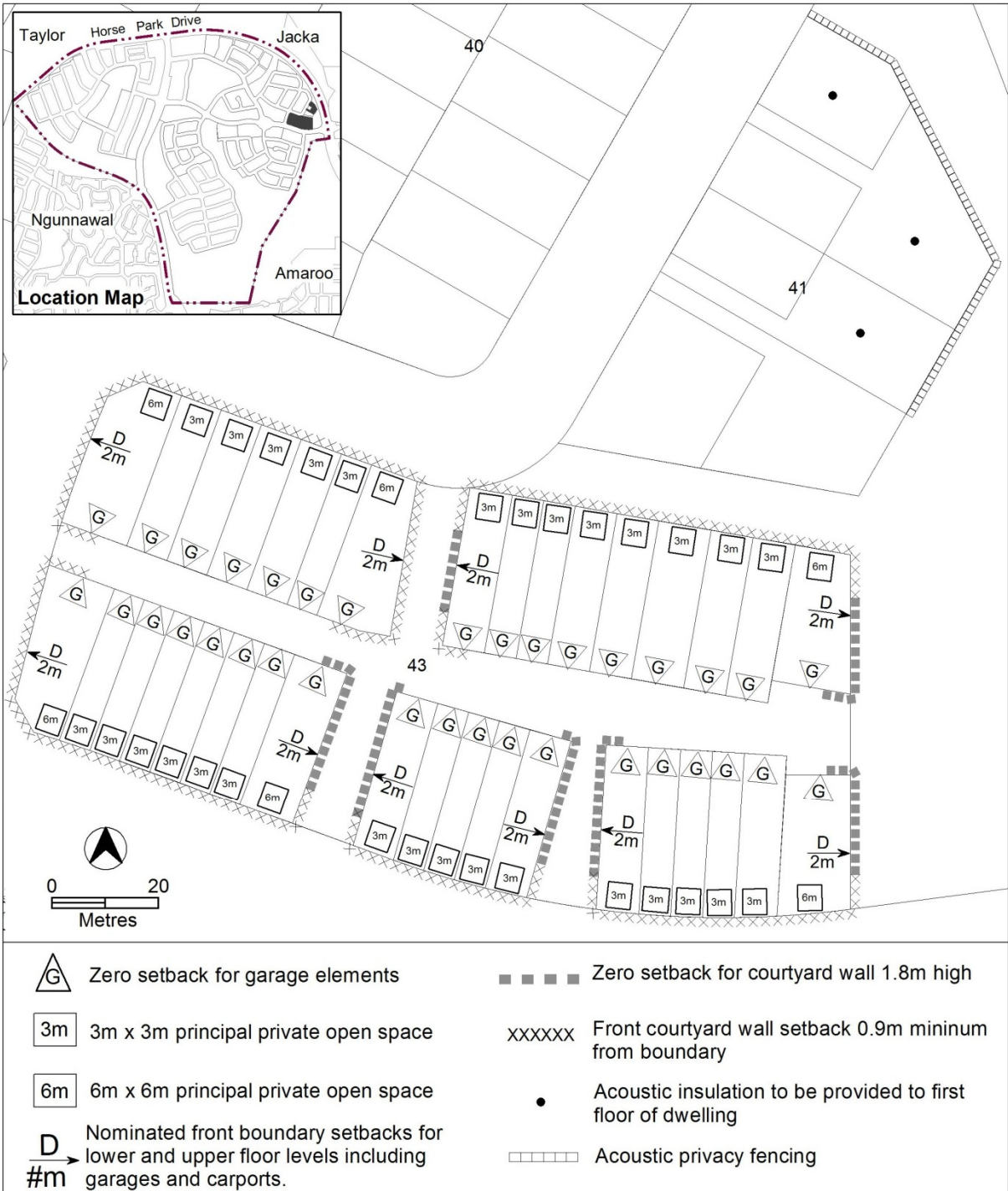


Figure 4 Moncrieff residential area 4

7. Figure 7 - OP3 – Moncrieff residential area

Substitute

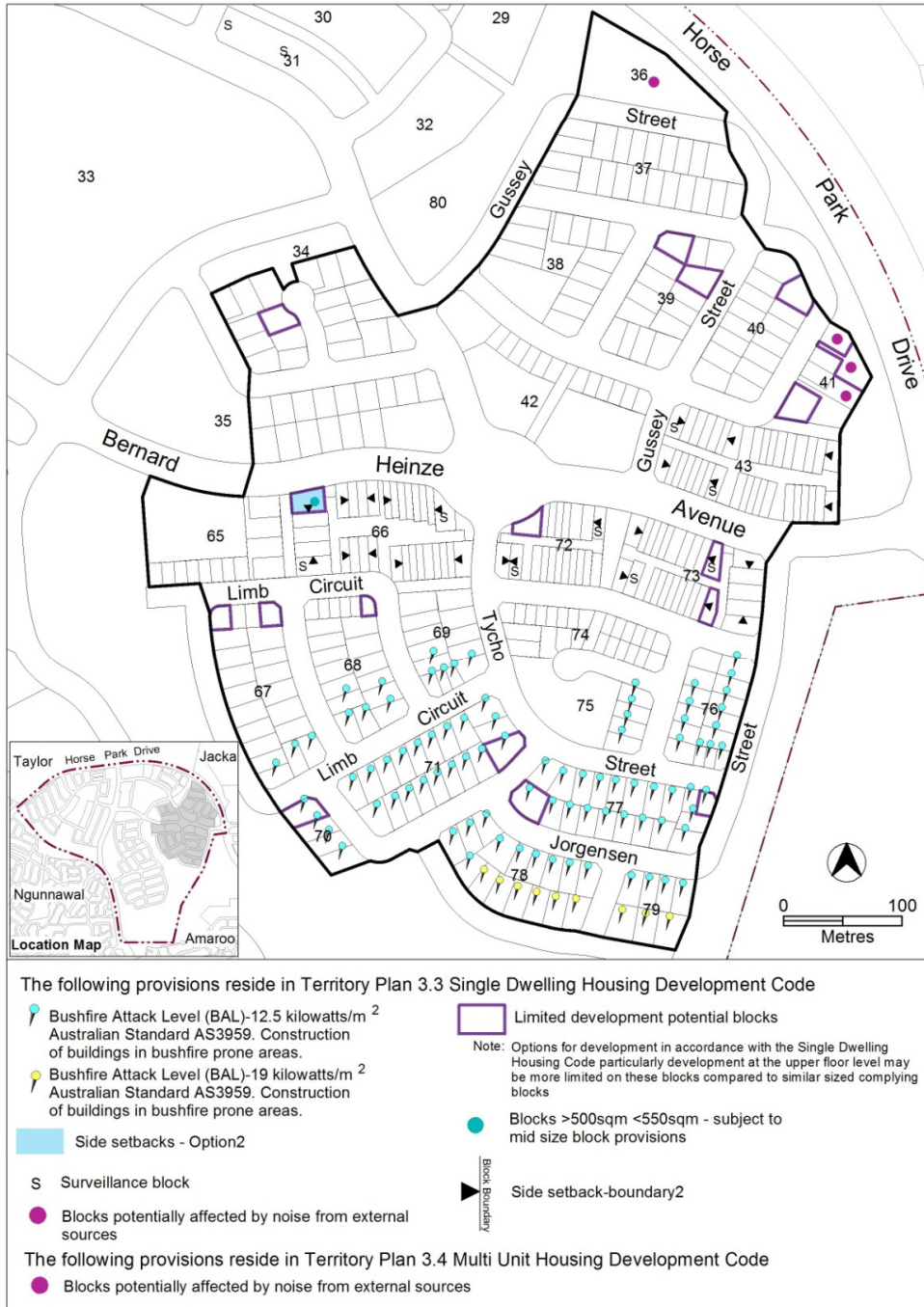


Figure 7 Moncrieff residential area ongoing provisions

8. RC1 Residential

Insert new figures after figure 4. Number new Figure 5-7 and renumber existing figures 5-8 to figures 8-11.

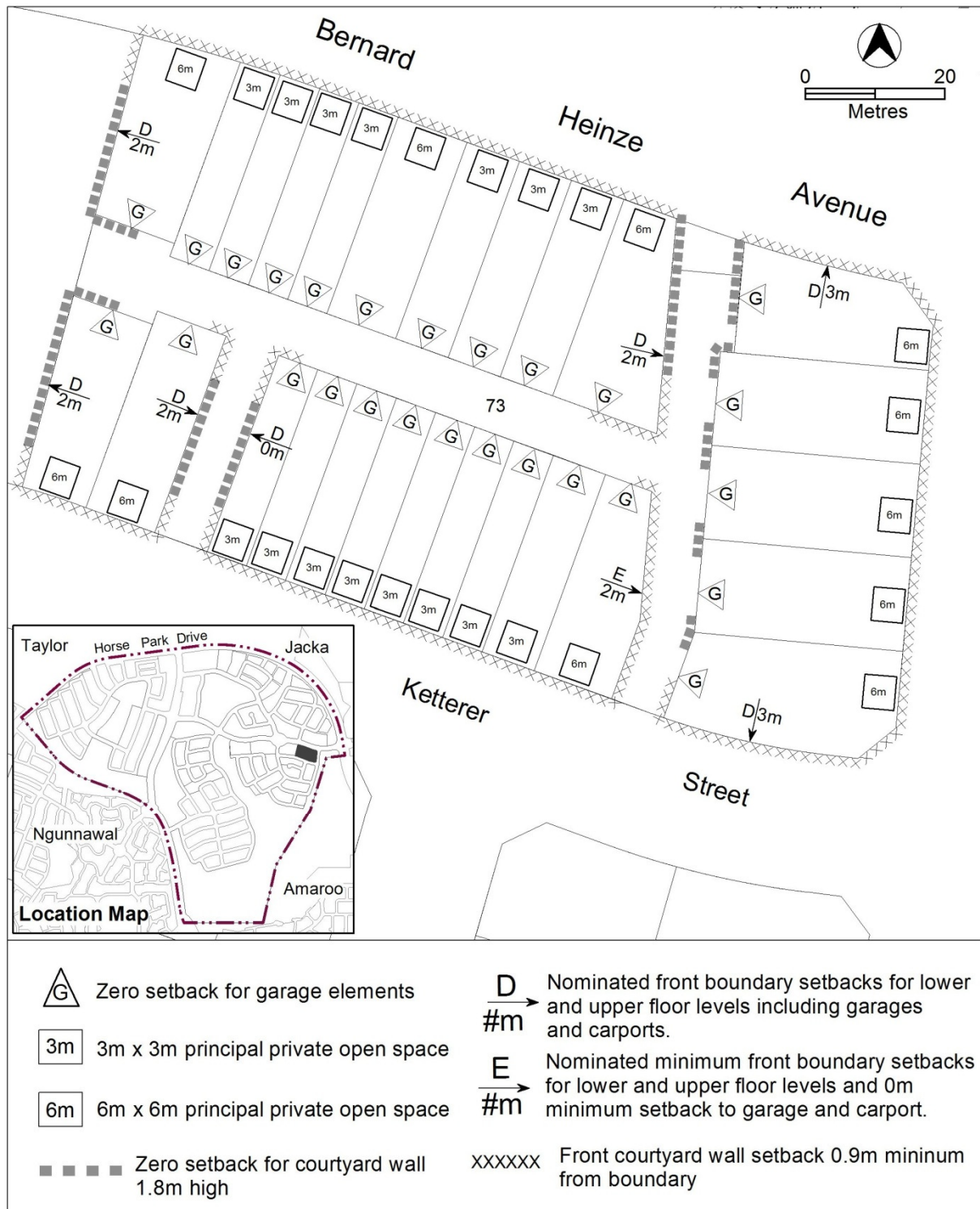


Figure 5 Moncrieff residential area 5

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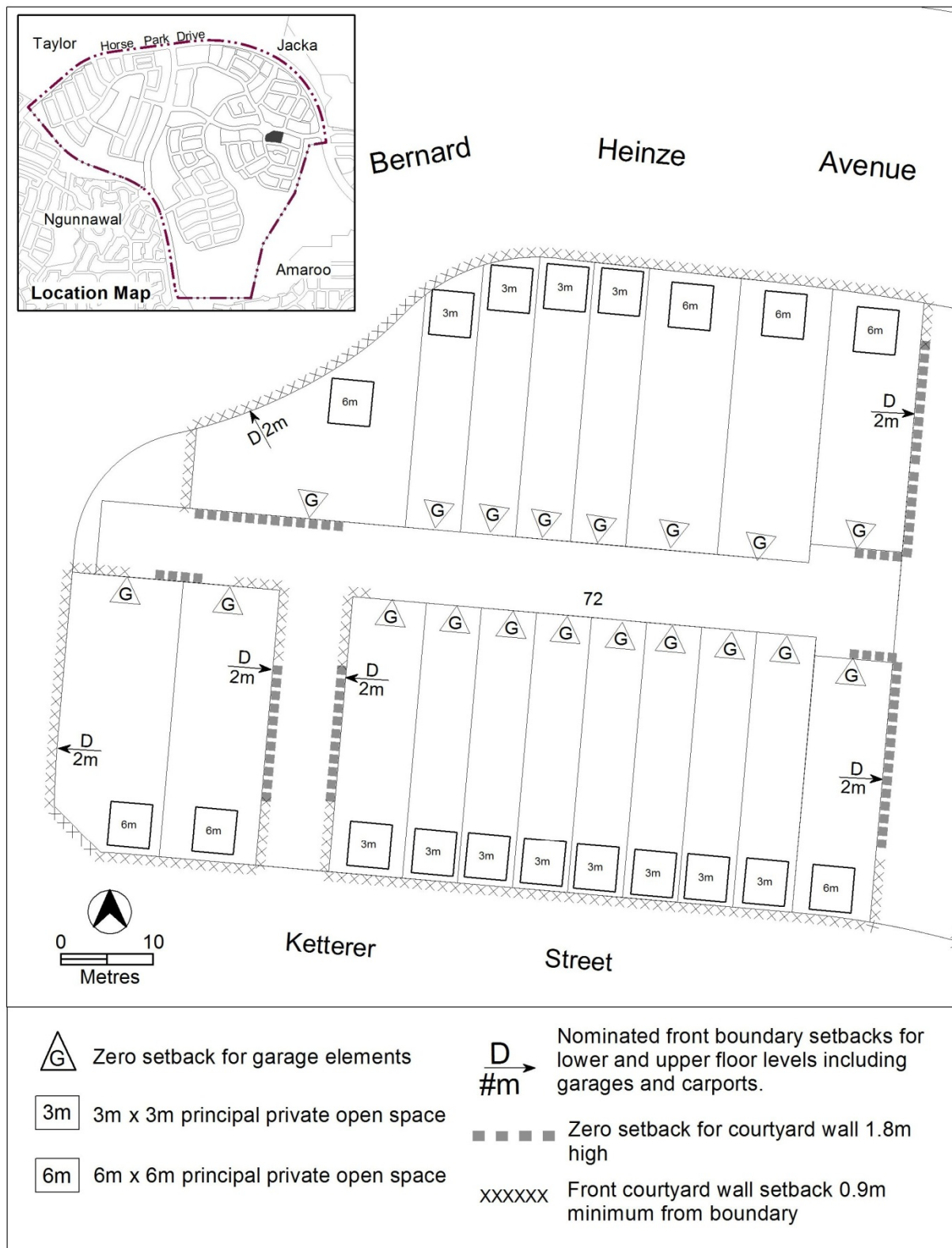


Figure 6 Moncrieff residential area 6

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 τηλεφωνήστε 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:

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131 450

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