

Planning and Development (Technical Amendment—Miscellaneous) Plan Variation 2017 (No 1)

Notifiable Instrument NI2017—263

Technical Amendment No 2017-01

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Miscellaneous) Plan Variation 2017 (No 1)*.

2 Technical amendment

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

3 Commencement

This instrument commences on the day after its notification day.

4 Meaning of *Miscellaneous plan variation*

For this instrument:

Miscellaneous plan variation means the technical amendment to the Territory Plan, variation 2017-01, in the schedule.

Note: No consultation was required in relation to the Miscellaneous plan variation under section 87 of the Act.

Brett Phillips
Delegate of the planning and land authority
24 May 2017



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

Technical Amendment to the Territory Plan

2017-01

Various minor miscellaneous amendments

May 2017

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1. INTRODUCTION

1.1 Purpose

This technical amendment makes the following changes to the Territory Plan:

Lease variation general code

- Reference to the commercial development codes in the lease variation general code requires updating as these codes are now superseded by the commercial zones development code

Barton precinct map and code

- Removal of redundant reference to Section 27 Barton Master Plan

Holt precinct map and code

- Figure 4 Holt residential area 3 requires a correction to the diagram to rectify an error to the block location for a garage on a boundary (G 0m)

Moncrieff Precinct Map and Code

- Correction to Rule R6 to rectify an oversight.

Symonston precinct map and code

- Correction to Symonston precinct map to reinstate reference to RC2 area on the map after it was inadvertently removed when the precinct map was amended in August 2014 (via Variation 323 – Mental Health Facility Symonston)

Jerrabomberra District Precinct Map and Code

- Minor error correction to the Jerrabomberra District Precinct Map and Code to remove an anomaly in criterion C1

Molonglo and North Weston Structure Plan

- Minor error corrections in the Molonglo and North Weston Structure Plan.

1.2 Public consultation

Under section 87 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 Types of technical amendments under the Act

The following categories of technical amendments are provided under section 87 of the Act:

- (1) Each of the following territory plan variations is a **technical amendment** for which no consultation is needed before it is made under section 89:
 - (a) a variation (an **error variation**) that –
 - (i) would not adversely affect anyone's rights if approved; and
 - (ii) has as its only object the correction of a formal error in the plan;
 - (b) a variation to change the boundary of a zone or overlay under section 90A (Rezoning – boundary changes);
 - (c) a variation, other than one to which subsection (2) (d) applies, in relation to an estate development plan under section 96 (Effect of approval of estate development plan);
 - (d) a variation required to bring the territory plan into line with the national capital plan;
 - (e) a variation to omit something that is obsolete or redundant in the territory plan.
- (2) Each of the following territory plan variations is a **technical amendment** for which only limited public consultation is needed under section 90:
 - (a) a variation (a **code variation**) that –
 - (i) would only change a code; and
 - (ii) is consistent with the policy purpose and policy framework of the code; and
 - (iii) is not an error variation;
 - (b) a variation to change the boundary of a zone under section 90B (Rezoning – development encroaching on adjoining territory land);
 - (c) a variation in relation to a future urban area under section 90C (Technical amendments – future urban areas);
 - (d) a variation in relation to an estate development plan under section 96 (Effect of approval of estate development plan) if it incorporates an

ongoing provision that was not included in the plan under section 94 (3) (g);

- (e) a variation to clarify the language in the territory plan if it does not change the substance of the plan;
- (f) a variation to relocate a provision within the territory plan if the substance of the provision is not changed.

Following each item in Part 2 Explanation of this technical amendment is a statement of compliance against the specific criteria for the relevant category of technical amendment.

TA2017-01 has been prepared in accordance with sections 87(1)(a) and (1)(e) of the Act.

2. EXPLANATORY STATEMENT

Background

This part of the technical amendment document explains the changes to be made to the Territory Plan, the reasons for the change, and a statement of compliance against the relevant section of the Act.

2.1 Variation to the lease variation general code

It is proposed to update the lease variation general code to remove the reference to redundant commercial development codes under the 'Relevant development codes and general code' heading. It is proposed to replace these codes with the Commercial Zones Development Code. The rules in the redundant commercial codes were revised and included in the Commercial Zones Development Code introduced into the Territory Plan in 2012 by Technical Amendment 2012-06.

Compliance with the Planning and Development Act

Section	Statement
s87(1)(a) (a) a variation (an <i>error variation</i>) 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;	<p>Compliant. This amendment removes the incorrect text referring to now redundant commercial zones development codes being;</p> <ul style="list-style-type: none">– City Centre Development Code– Town Centre 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 <p>These are to be replaced with a single reference to the Commercial Zones Development Code.</p>

2.2 Variation to Barton precinct map and code

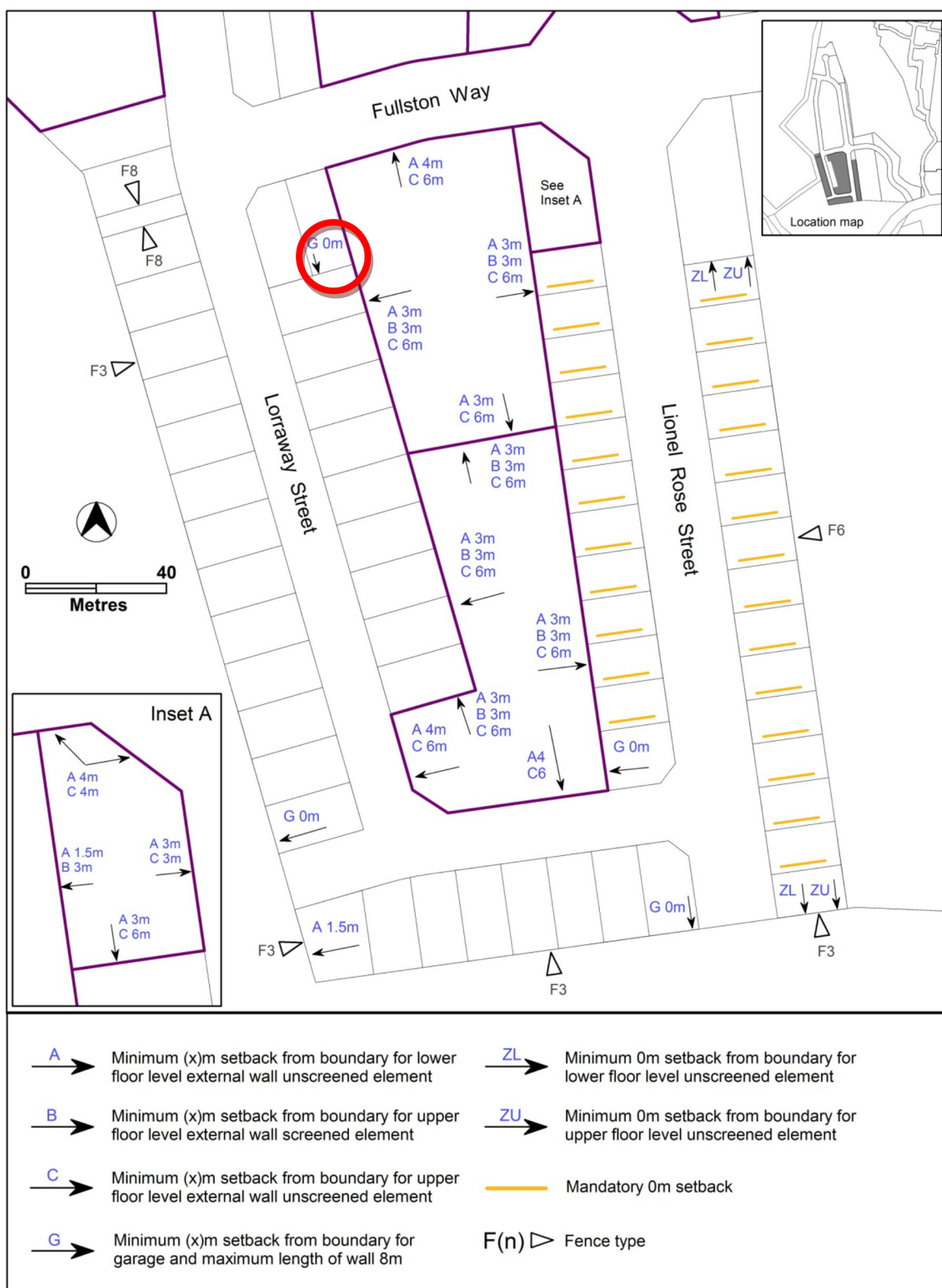
It is proposed to remove Item 3.1 Barton master plan – section 27 and the associated criterion C5 as this requirement is no longer relevant because it refers to the previous Spatial Plan and the old version of the Territory Plan. Also, the site is fully developed and as such the master plan is no longer required to guide development on the section.

Compliance with the Planning and Development Act 2007

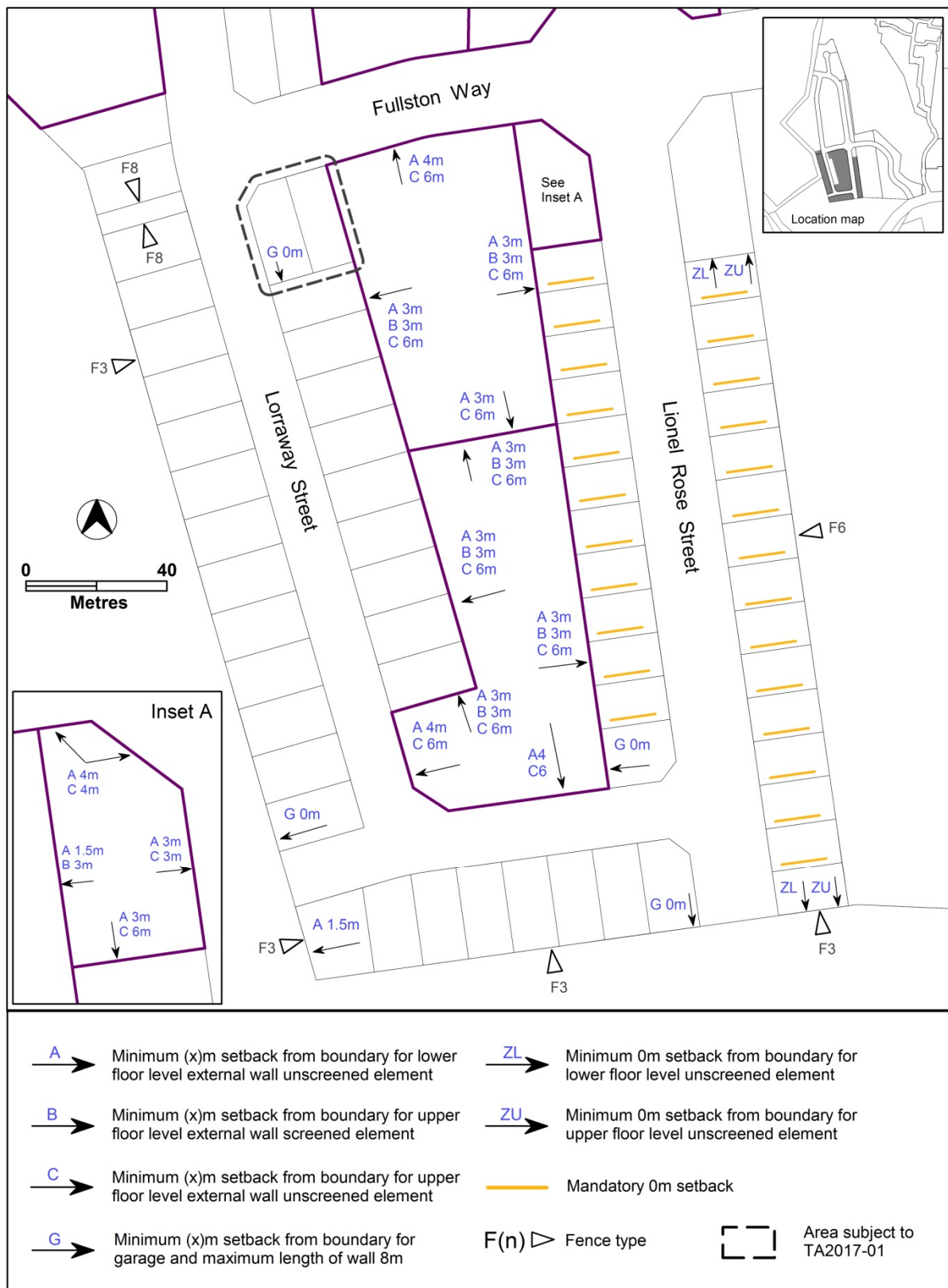
Section	Statement
87 (1)(e) a variation to omit something that is obsolete or redundant in the territory plan.	Compliant. The removal of the reference to the Section 27 Barton Section Master Plan (October 2006) is consistent with s87(1)(e) as it is considered to be redundant in the territory plan as the site has been fully developed and the master plan is no longer required.

2.3 Variation to the Holt precinct map and code

Existing Figure 4 Holt residential area 3 showing error circled in red



Proposed changes to Figure 4 Holt residential area 3 showing correct location of garage on the block on corner of Lorraway Street and Fullston Way



Compliance with the Planning and Development Act 2007

Section	Statement
s87(1)(a) (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	Compliant. This amendment corrects an error in translation from the approved estate development plan into the Holt precinct map and code

2.4 Variation to the Moncrieff precinct map and code

An oversight in the wording of Rule R6 in the Moncrieff precinct map and code has been brought to the attention of the Environment, Planning and Sustainable Development Directorate (EPSDD). The approved Estate Development Plan (EDP) refers to nominated minimum front setbacks for lower floor levels (LFL) and upper floor levels (UFL) for selected blocks in the Moncrieff estate. However the provision (Rule R6) in the Moncrieff precinct code does not include the word 'minimum' in the second sentence in R6. This will be rectified through this technical amendment to bring the wording in the precinct code in line with the approved EDP.

Existing provision

Rules	Criteria
R6 This rule applies to blocks or parcels in locations identified in Figures 4, 5, 6 and 7. Front boundary setbacks for lower and upper floor levels including garages and carports are nominated.	This is a mandatory requirement. There is no applicable criterion.

Proposed provision (see underlined wording)

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

Compliance with the Planning and Development Act 2007

Section	Statement
s87(1)(a) (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	Compliant. The addition of the word 'minimum' to Rule R6 is in line with the wording in the approved Estate Development Plan for the blocks subject to the minimum front setback requirements for lower and upper floor levels..

2.5 Variation to the Symonston precinct map

When the Symonston precinct map was updated in August 2014 to include the site for the Mental Health Facility in Symonston the reference to the RC2 area was inadvertently removed from the precinct map. This technical amendment rectifies this omission.

Compliance with the Planning and Development Act 2007

Section	Statement
s87(1)(a) (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	Compliant. This change rectifies an inadvertent omission that occurred when the precinct map for Symonston was updated in August 2014.

2.6 Variation to the Jerrabomberra district precinct map and code

Under Element 1: Use – criterion C1 relates to mining operations and rehabilitation of the Mugga Quarry. There is a note at the end of C1 that incorrectly states that “Mugga Quarry is within a Designated Area and is subject to the provisions of the National Capital Plan”. This is incorrect and is understood to have been inadvertently carried over from a previous version prior to the new Territory Plan that was introduced in 2008. It is proposed to remove this note as part of this technical amendment.

Compliance with the Planning and Development Act 2007

Section	Statement
s87(1)(a) (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	Compliant. The note at the end of criterion C1 is incorrect and is removed as part of this technical amendment.

2.7 Variation to the Molonglo and North Weston Structure Plan

Minor corrections in the Molonglo and North Western Structure Plan are proposed to be addressed in this technical amendment as follows:

- Item 39: add in the word “the” (as underlined):
 39. Development is to be generally contained to the west of the ridge that separates Molonglo and North Weston from the Tuggeranong Parkway and Lake Burley Griffin to ensure that it does not visually adversely impact the Central National Area (i.e. central Canberra as identified by the National Capital Plan)
- Item 57: corrects error in relation to the application of the broadacre land use area:

Substitute ‘Broadacre land use zone applies to West Molonglo’ with
‘Broadacre land use does not apply to West Molonglo’
- Items 62, 67 and 79: correct minor spelling and grammar errors (underlined):
 62. Land with suitable topographic characteristics is to be reserved for 2 district-level playing fields in East Molonglo: one on the southern side of the river preferably adjacent to land set aside for a government high school, and another on the northern side.
 67. That part of the National Bicentennial Trail between Uriarra Road in the west to the concrete causeway over the Molonglo River in the east will be replaced by a suitably located mixed use off-road trail, linking Stromlo Forest Park and the Canberra International Arboretum and Gardens.
 79. The north-south and east-west arterials are to be generally designed as urban boulevards, with service streets and address frontages. Regular cross-streets are to be provided, consistent with traffic safety and efficiency, to minimise the effect of the arterials as a barrier between neighbourhoods.

Compliance with the Planning and Development Act 2007

Section	Statement
s87(1)(a) (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	Compliant. These corrections are typographical and are only minor formal error corrections.

3. TECHNICAL AMENDMENT

This section of the technical amendment document provides the actual instructions for implementing the changes to the Territory Plan.

3.1 Variation to the lease variation general code

1. Relevant development codes and general codes
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Omit

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

Insert

Commercial Zones Development Code

3.2 Variation to the Barton precinct map and code

2. Element 3: Buildings

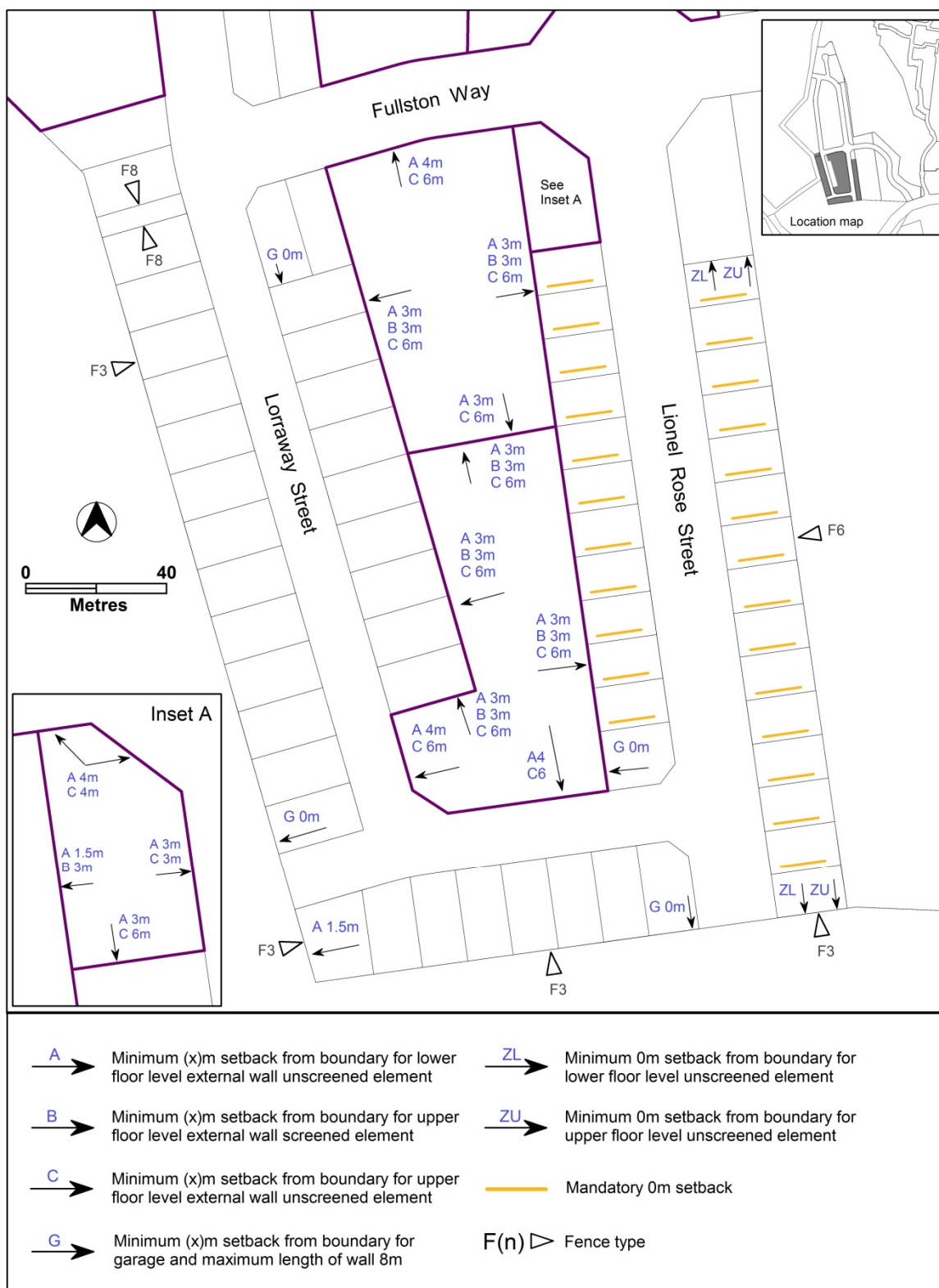
Omit

3.1 Barton master plan – section 27 and Criterion C5

3.3 Variation to the Holt precinct map and code

3. Figure 4 Holt residential area 3

Substitute



3.4 Variation to the Moncrieff precinct map and code

4. RC1 – Residential; Element 1: Building and site controls; Item 1.1 Setbacks

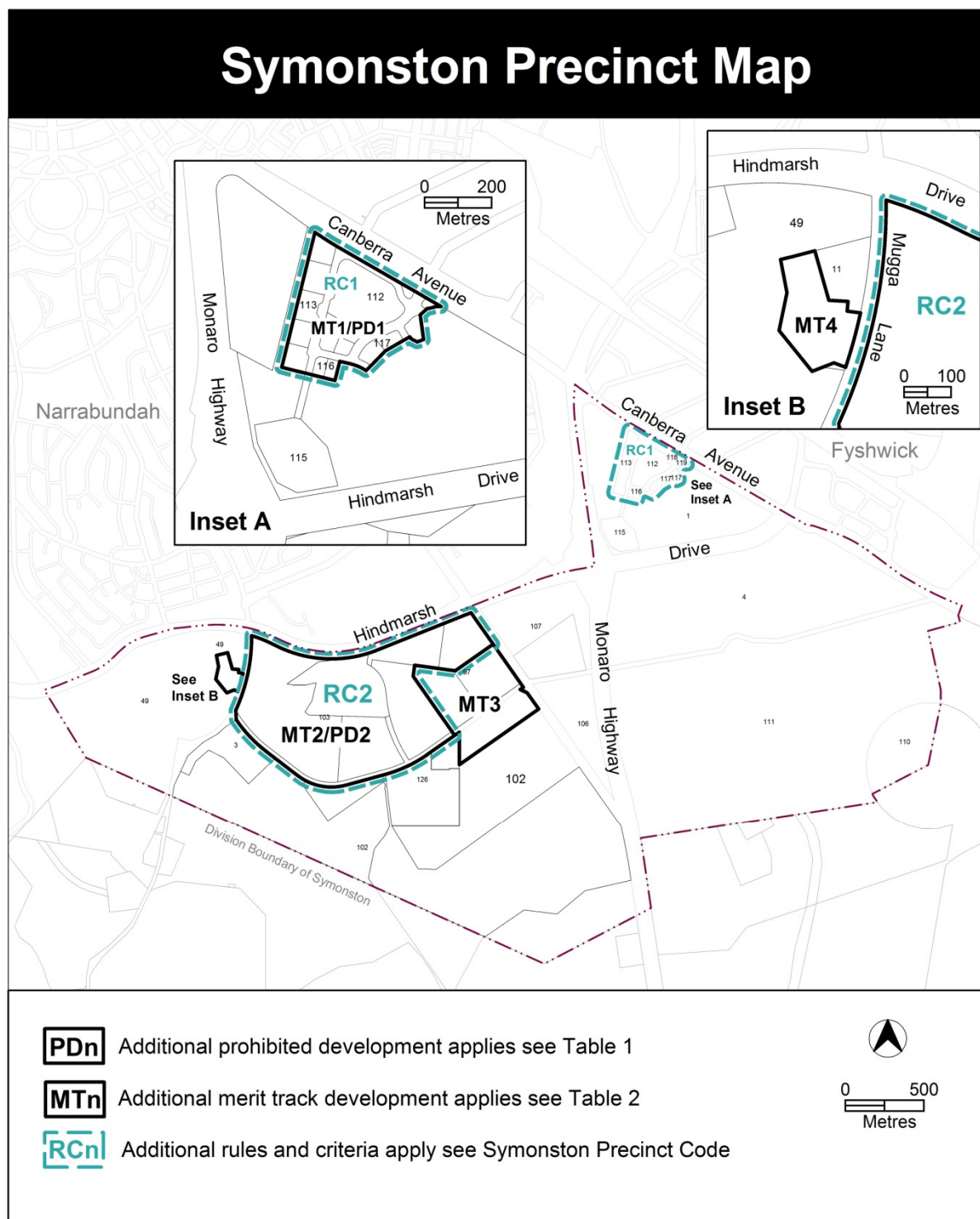
Substitute

Rules	Criteria
<p>R6</p> <p>This rule applies to blocks or parcels in locations identified in Figures 4, 5, 6 and 7.</p> <p>Minimum 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>

3.5 Variation to the Symonston precinct map and code

5. Symonston precinct map

Substitute



3.6 Variation to the Jerrabomberra district precinct map and code

6. Element 1 Use; Item 1.1 Mining operations and rehabilitation; criterion C1
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Delete

Note:

Mugga Quarry is within a Designated Area and is subject to the provisions of the National Capital Plan

3.7 Variation to the Molonglo and North Weston Structure Plan

7. 5.3 Environment Protection, No. 39
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Substitute

39. Development is to be generally contained to the west of the ridge that separates Molonglo and North Weston from the Tuggeranong Parkway and Lake Burley Griffin to ensure that it does not visually adversely impact the Central National Area (i.e. central Canberra as identified by the National Capital Plan)

8. 5.5 Broadacre, No. 57

Substitute

57. Broadacre land use does not apply to West Molonglo.

9. 5.7 Open space and recreation, No. 62

Substitute

62. Land with suitable topographic characteristics is to be reserved for 2 district-level playing fields in East Molonglo: one on the southern side of the river preferably adjacent to land set aside for a government high school, and another on the northern side.

10. 5.7 Open space and recreation, No. 67
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Substitute

67. That part of the National Bicentennial Trail between Uriarra Road in the west to the concrete causeway over the Molonglo River in the east will

be replaced by a suitably located mixed use off-road trail, linking Stromlo Forest Park and the Canberra International Arboretum and Gardens.

11. 5.10 Traffic Management

Substitute

79. The north-south and east-west arterials are to be generally designed as urban boulevards, with service streets and address frontages. Regular cross-streets are to be provided, consistent with traffic safety and efficiency, to minimise the effect of the arterials as a barrier between neighbourhoods.

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