

Planning and Development (Technical Amendment—Holt) Plan Variation 2018

Notifiable Instrument NI2018—422

Technical Amendment No 2018-11

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—Holt) Plan Variation 2018*.

2 Commencement

This instrument commences on the day after its notification day.

3 Technical amendment

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

4 Meaning of *Holt plan variation*

For this instrument:

Holt plan variation means the technical amendment to the Territory Plan, variation 2018-11, in the schedule.

Note Consultation was required in relation to the Holt plan variation under section 90 of the Act.

Fleur Flanery
Delegate of the planning and land authority
6 August 2018

This page is intentionally blank



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

Technical Amendment to the Territory Plan

2018-11

Removal of BAL bushfire ratings for Ginninderra
Estate in the Holt Precinct Map and Code

August 2018

Table of Contents

1. INTRODUCTION	1
1.1 Purpose	1
1.2 Public consultation	1
1.3 National Capital Authority	1
1.4 Process	1
1.5 Types of technical amendments under the Act	1
2. EXPLANATORY STATEMENT	3
2.1 Background.....	3
2.2 Variation to the Holt Precinct Map and Code	3
3. TECHNICAL AMENDMENT.....	10
3.1 Variation to the Holt Precinct Map and Code	10

1. INTRODUCTION

1.1 Purpose

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

Holt Precinct Map and Code

- Remove Bushfire Attack Level (BAL) requirements from the ongoing provisions (OP1 –OP3) in the Holt Precinct Map and Code for Ginninderra Estate, Holt Golf Course

1.2 Public consultation

Under section 87 of the *Planning and Development Act 2007* (the Act) this type of technical amendment is subject to limited public consultation under section 90 of the Act.

TA2018-11 was released for limited public consultation on 22 June 2018 and concluded on 23 July 2018.

No public submissions were received during the consultation period.

1.3 National Capital Authority

The National Capital Authority was advised of TA2018-11 on 20 June 2018. The NCA replied on 21 June 2018 with no objection to the TA proceeding.

1.4 Process

This technical amendment has been prepared in accordance with section 87 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:

- (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.

TA2018-11 has been prepared in accordance with section 87(2)(a) of the Act.

2. EXPLANATORY STATEMENT

2.1 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.

2.2 Variation to the Holt Precinct Map and Code

The start of the development of Stage 1 of Ginninderry in West Belconnen (to the west of Holt) has changed the circumstances for bushfire affecting the Ginninderra Estate (which is part of the Holt Golf Course estate).

The Ginninderra Estate bushfire management plan as reflected in the Holt Precinct Code was predicated on the Estate requiring asset protection zones and construction standards appropriate for development directly adjacent to bushfire (or in this case grassfire) attack from abutting rural land.

The vegetation to the west of the Estate at present is tussock grassland with a downslope of 5-10 degrees. Under the conditions prevailing at the time of the preparation of the Estate Development Plan for Ginninderra Estate it was considered prudent to give the perimeter blocks a BAL of 19 (Section 123, Section 125, Blocks 8 and 20 Section 126, and Section 130) and the remainder of the Estate a BAL of 12.5 because of the potential for the development to be subject to ember attack.

Australian Standard AS3959-2009 which determines the BAL for the ACT will no longer apply to the Ginninderra Estate because the distance from the Estate to the predominant vegetation class will exceed 100m. AS3959-2009 provides that where the predominant vegetation type is more than 100m from the development the appropriate BAL level is classified as 'LOW'. In these circumstances, no special construction requirements apply for a BAL rating of 'LOW' under AS3959-2009.

This technical amendment makes changes to the Bushfire Attack Level (BAL) ratings prescribed in the Holt Precinct Map and Code for the Ginninderra Estate.

The ongoing provisions (OPs) in the Holt Precinct Map and Code have been revised to remove the BAL ratings presently prescribed in areas OP1-OP3 (Figures 6,7 and 8 of the precinct code) as they are no longer required.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(2)(a) (a) a variation (an 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. The changing conditions of the immediate surrounding area to the west of Ginninderra Estate has meant that the BAL ratings for these parcels of land are no longer considered necessary. It is proposed to change the relevant precinct code to reflect this situation.

Previous provisions

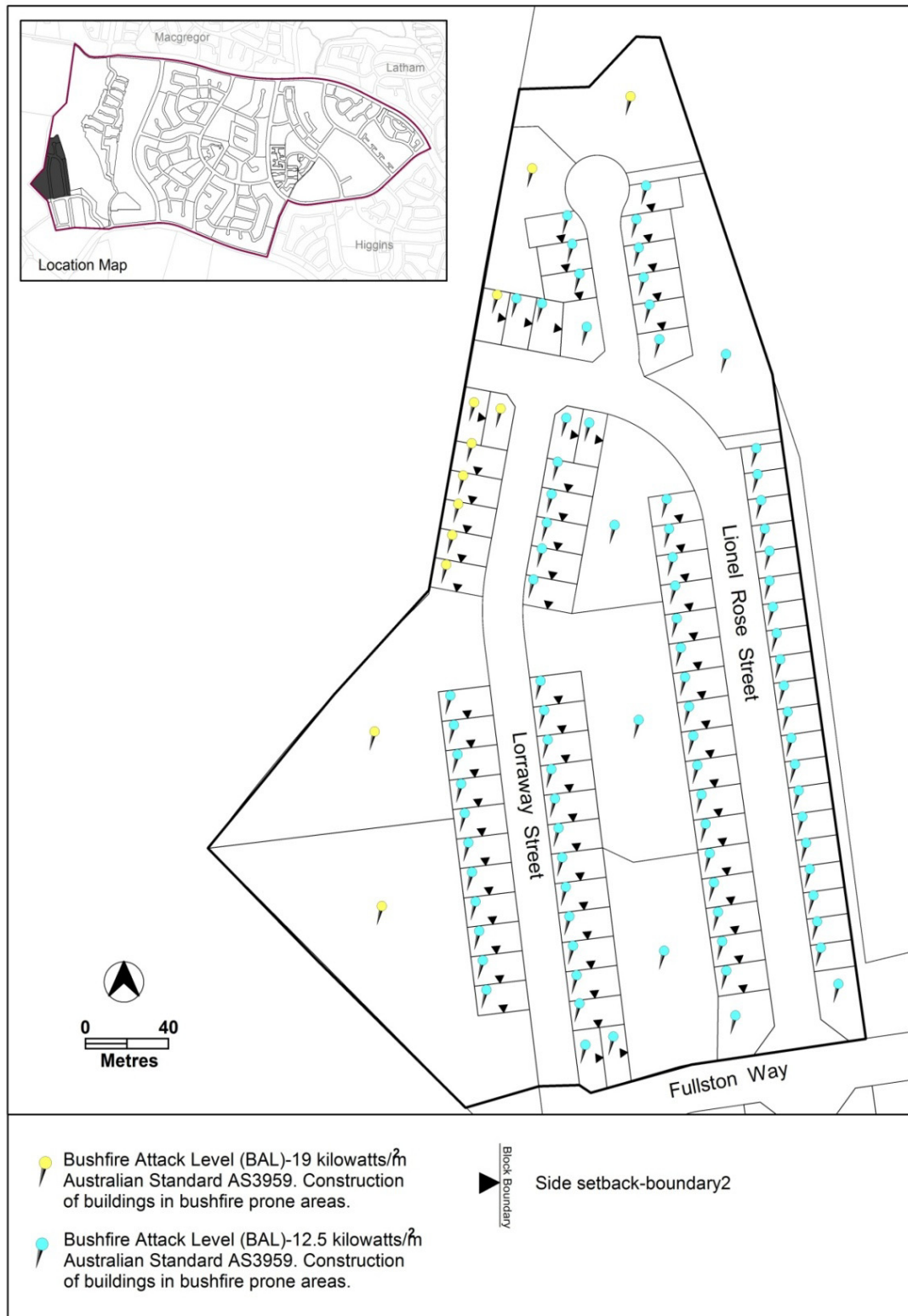


Figure 6 Holt residential area ongoing provisions



Figure 7 Holt residential area ongoing provisions



Figure 8 Holt residential area ongoing provisions

New provisions

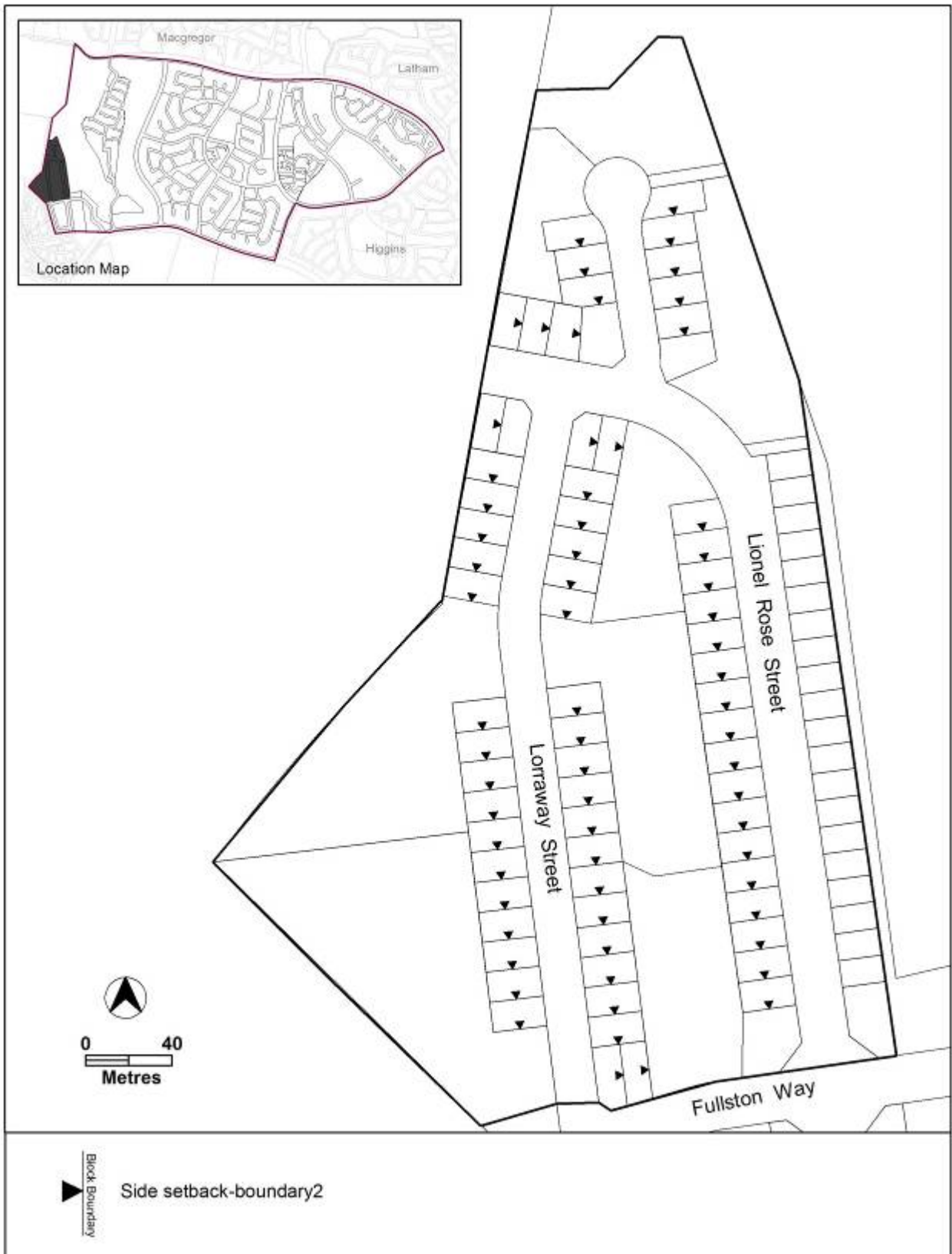


Figure 6 Holt residential area ongoing provisions

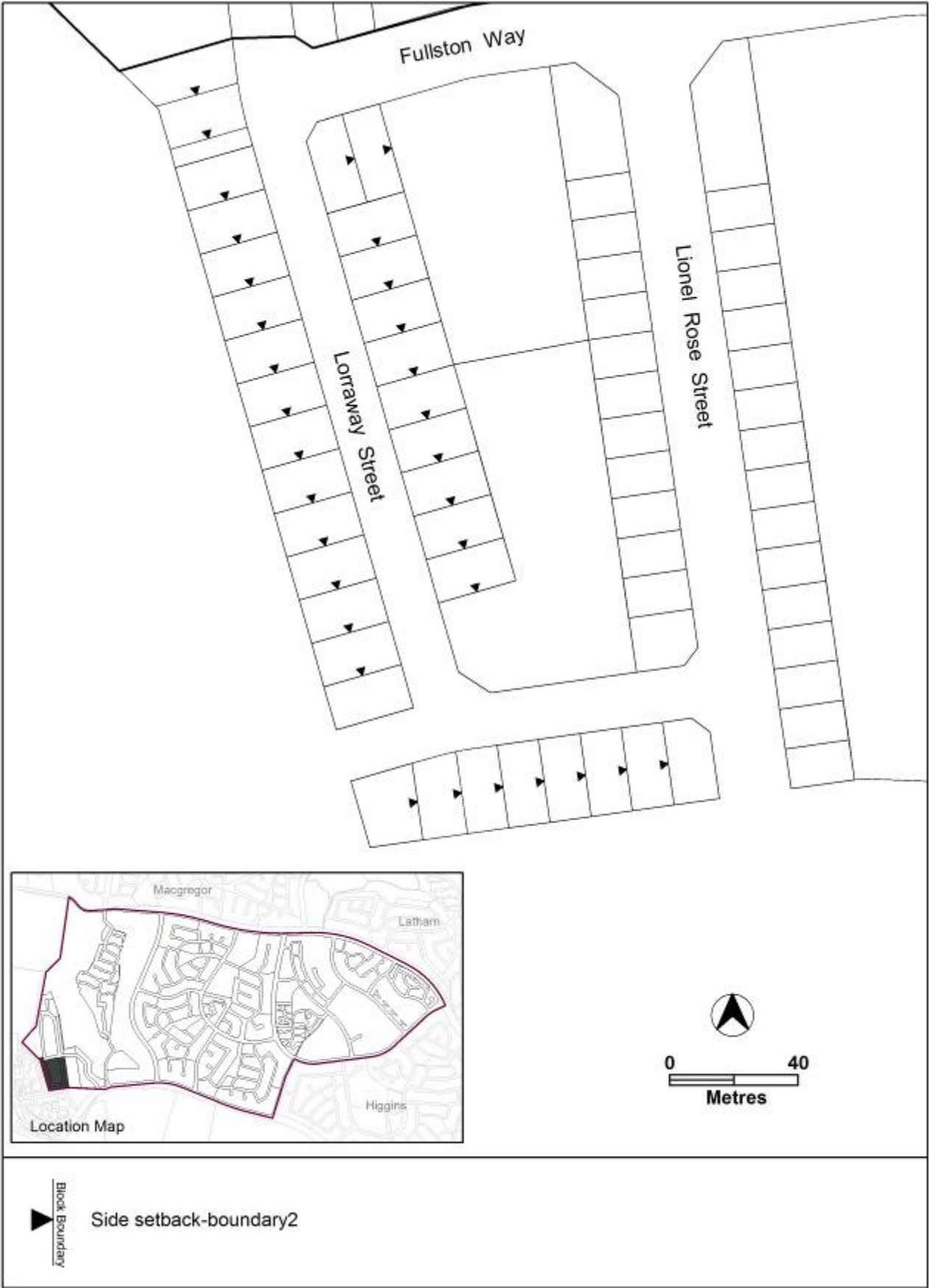


Figure 7 Holt residential area ongoing provisions

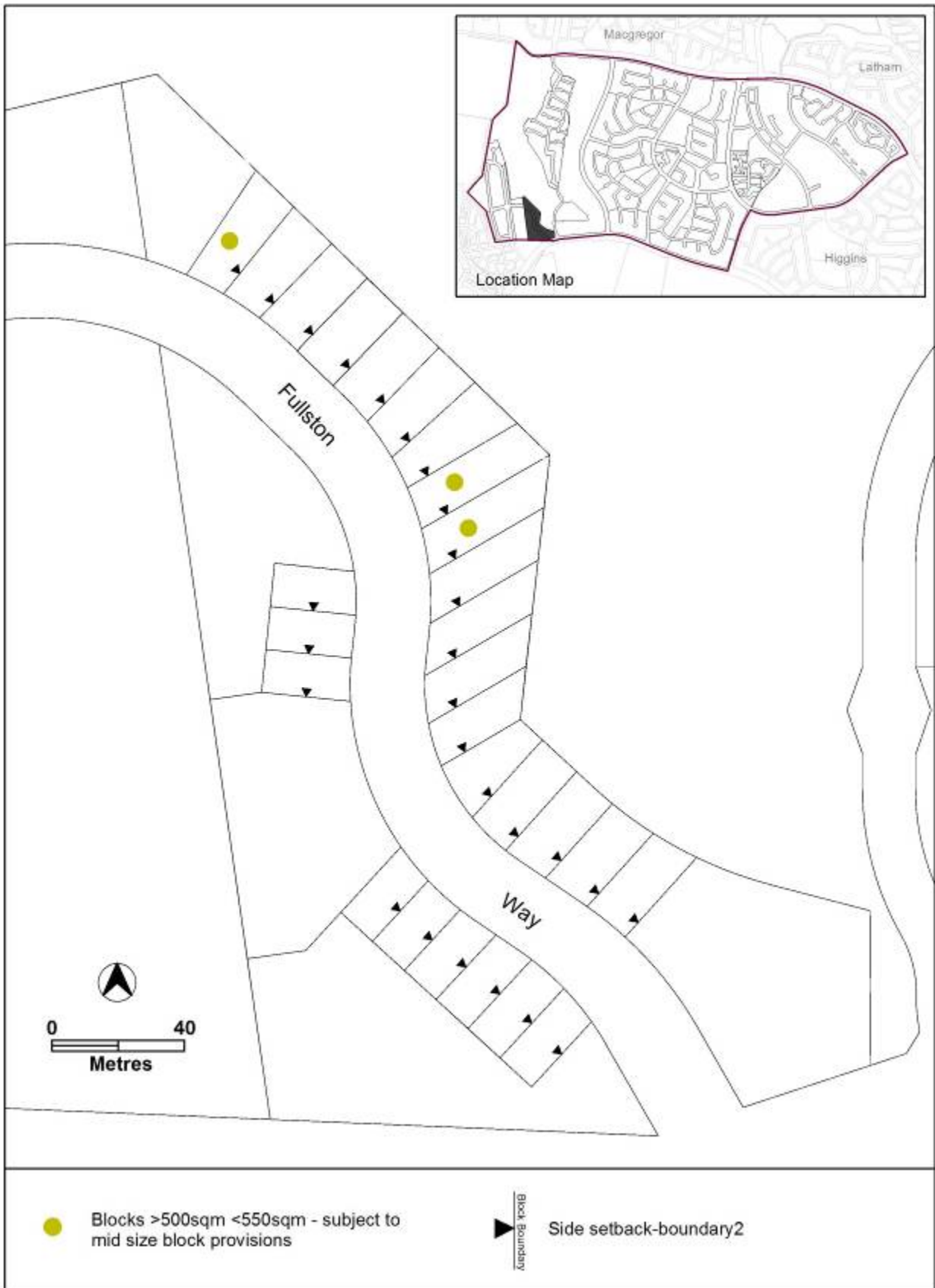


Figure 8 Holt residential area ongoing provisions

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 Holt Precinct Map and Code

1. Holt Precinct Map and Code – Figure 6

Substitute

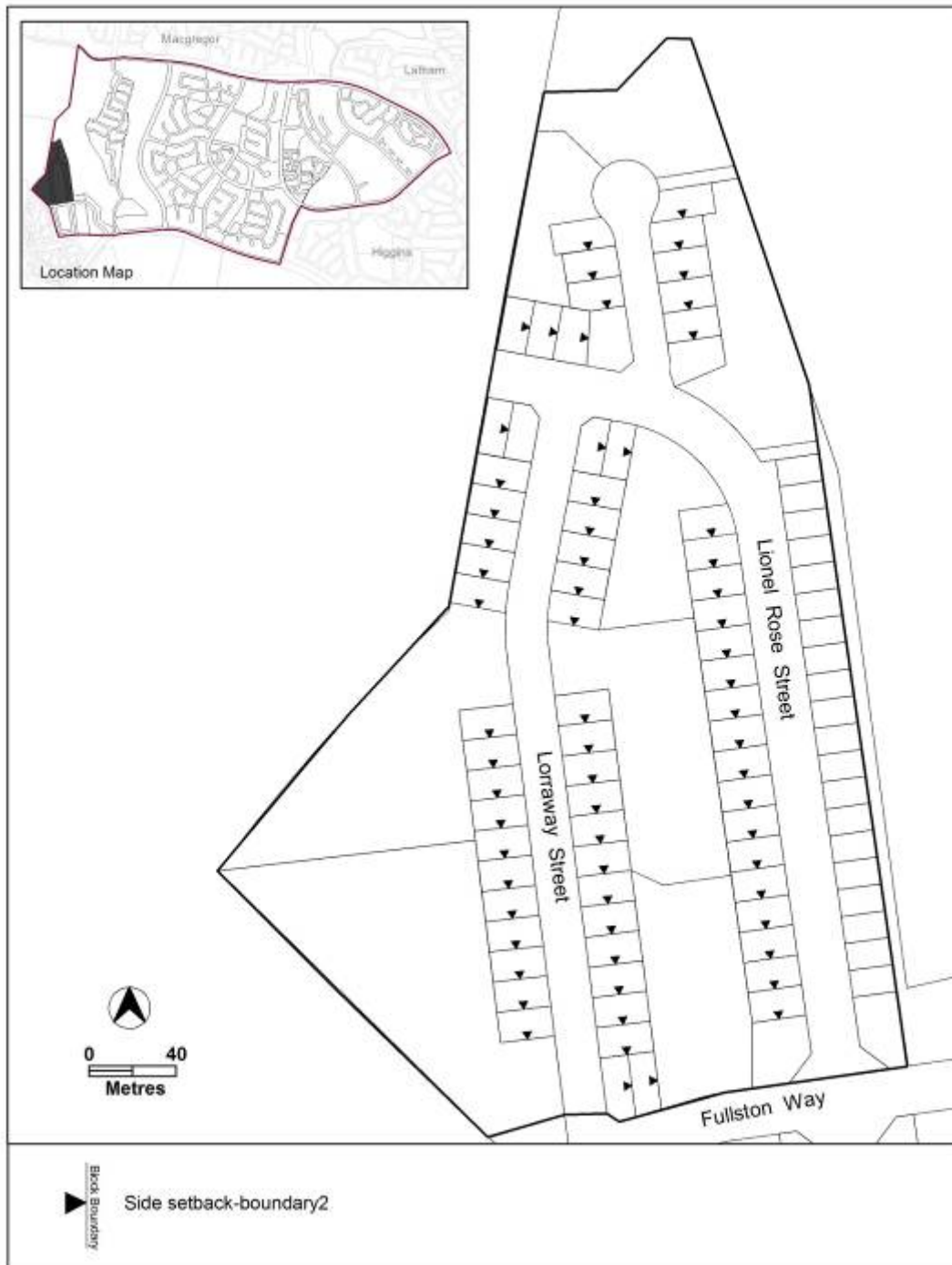


Figure 6 Holt residential area ongoing provisions

2. Holt Precinct Map and Code – Figure 7

Substitute

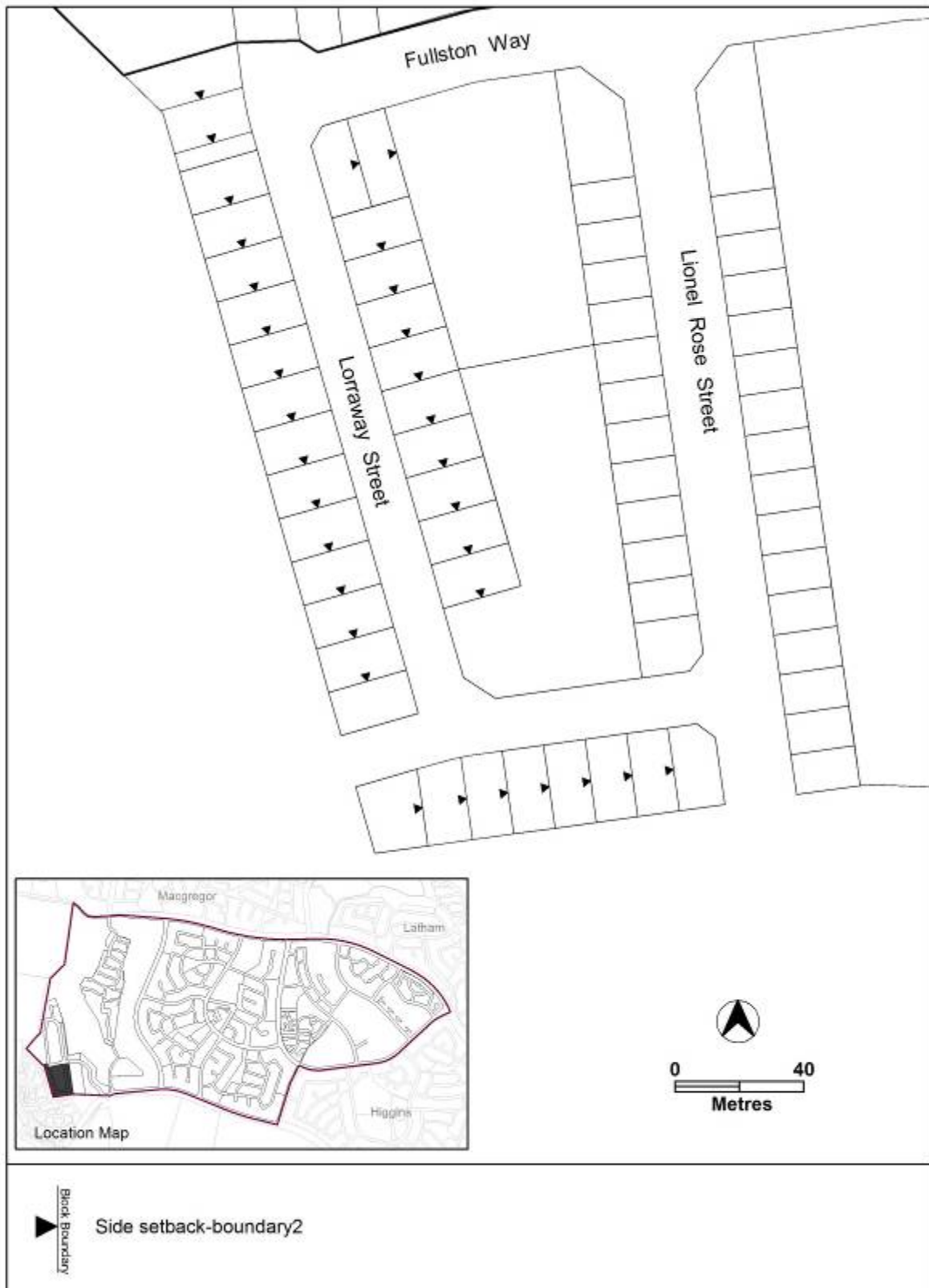


Figure 7 Holt residential area ongoing provisions

3. Holt Precinct Map and Code – Figure 8

Substitute

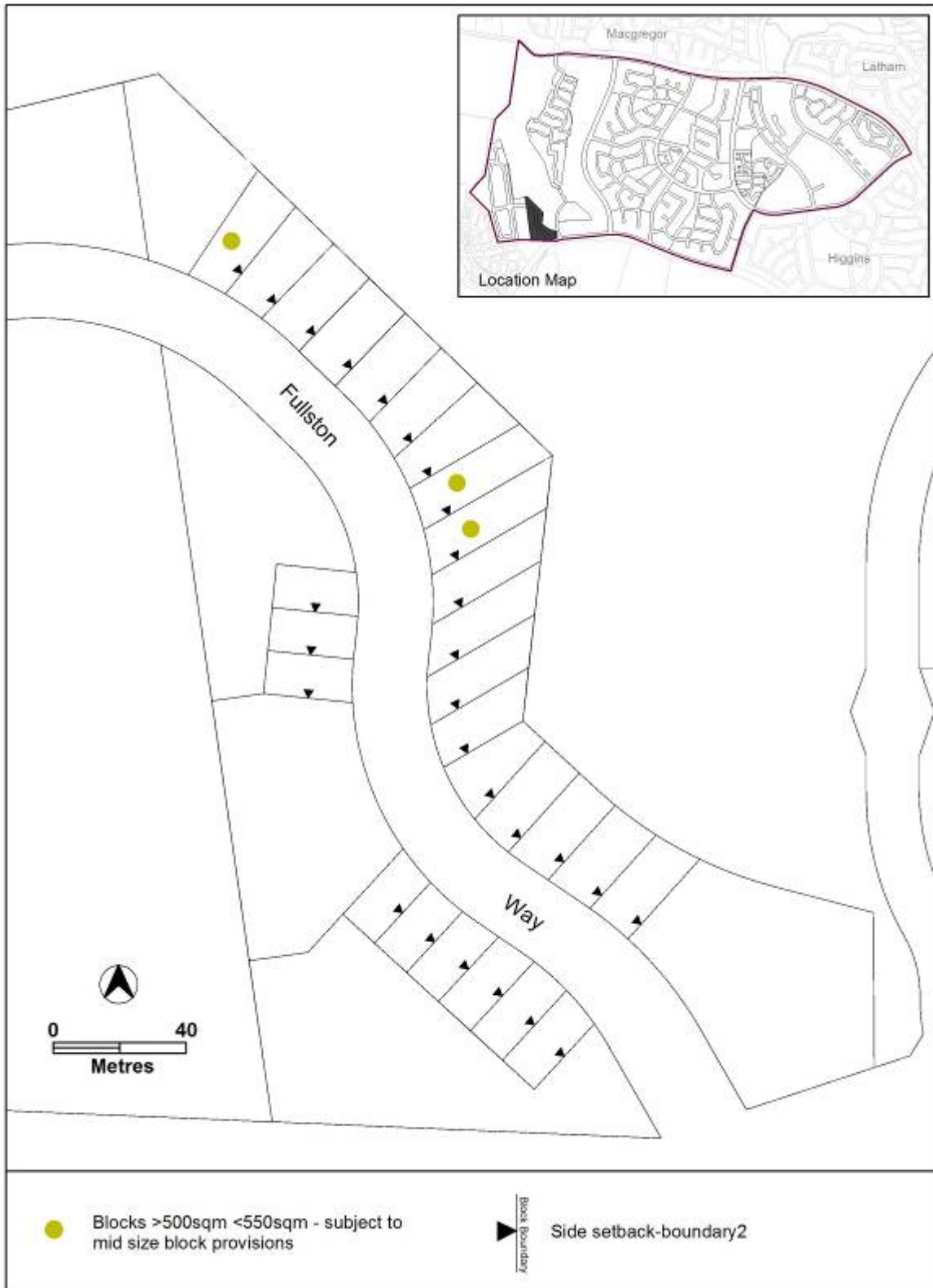


Figure 8 Holt residential area ongoing provisions

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-għajjnuna 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	Ако вам је потребна помоћ преводиоца телефонирајте:
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:

TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week