

# Planning and Development (Technical Amendment—Watson) Plan Variation 2019 (No 1)

Notifiable instrument NI2019—218

Technical Amendment No 2019-04

made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Watson) Plan Variation 2019 (No 1)*.

## 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 Watson plan variation is a technical amendment to the Territory Plan.

## 4 Meaning of *Watson plan variation*

In this instrument:

***Watson plan variation*** means the technical amendment to the Territory Plan, variation 2019-04, in the schedule.

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

Kathy Cusack  
Delegate of the planning and land authority  
18 April 2019



Planning & Development Act 2007

**Technical  
Amendment  
to the Territory Plan  
Variation 2019-04**

Changes to the Watson Precinct Map and  
Code

April 2019

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# 1. INTRODUCTION

## 1.1 Purpose

This technical amendment makes changes to the Watson Precinct Map and Code in the Territory Plan.

When the future urban area overlay was uplifted in technical amendment TA2018-04, some provisions were incorrectly transferred from the approved estate development plan to the Watson Precinct Map and Code, and require correction.

Further details can be found in Part 2 of this document.

## 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 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:

- (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.

TA2019-04 has been prepared in accordance with sections 87 (1) (a) and (c).

## 2. EXPLANATION

### 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 Watson Precinct Map and Code

#### 2.2.1 Changes under s87 (1) (a) of the Act

Fencing rules R20 and R21 are currently mandatory, but they should only apply where principal private open space is provided forward of the building line.

Existing 'Figure 3 Watson residential area 2', incorrectly shows the nominated minimum setback to be 1.5m on block 22 section 116. The correct setback distance is 0.9m.

Existing 'Figure 3 Watson residential area 2' incorrectly shows the side setback on block 13 section 118 as applying to all floor levels. It should only apply to the upper floor level.

Lines representing open space fencing requirements on block 1 section 115 and blocks 7 and 8 section 119 (existing Figure 5) are to be shortened to correctly reflect the approved fencing controls plan.

Existing 'Figure 7 Watson residential area ongoing provisions' incorrectly shows block 15 section 119 as being subject to a bushfire attack level rating of BAL 12.5. The block is parkland and no bushfire level attack rating applies to the block.

#### Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(a) (a) a variation (an <b>error variation</b> ) 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 a number of formal errors in the plan when Technical Amendment TA2018-04 took effect.



### 2.2.2 Changes under s87 (1) (c) of the Act

The sentence 'An access gate to street or open space is required' is missing from Rule R22 and is to be included in the rule.

A new figure 'Figure 3a Watson residential area 2a' is to be inserted to show the ongoing provisions applying to section 121. Rules R7, R8, and R13 are to be amended to include a reference to the new figure.

Existing figures, 'Figure 2 Watson residential area 1' and 'Figure 3 Watson residential area 2' are to be replaced with amended figures to include 'setback only applicable to upper floor level' on relevant blocks in section 116.

'Figure 7 Watson residential area ongoing provisions' is to be replaced to include identification of integrated development parcels in section 121.

#### Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(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);	Compliant. This amendment transfers provisions from the approved estate development plan into the Watson Precinct Map and Code.

### 3. TECHNICAL AMENDMENT

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

#### 3.1 Watson Precinct Map and Code

**1. Additional rules and criteria, RC2 – Residential, Element 2: Building and site controls, 2.2 Setbacks, Rule R7**

*Substitute first sentence with*

This rule applies to blocks or parcels in locations identified in Figures 2, 3 and 3a.

**2. Additional rules and criteria, RC2 – Residential, Element 2: Building and site controls, 2.2 Setbacks, Rule R8**

*Substitute first sentence with*

This rule applies to blocks or parcels in locations identified in Figures 2, 3 and 3a.

**3. Additional rules and criteria, RC2 – Residential, Element 2: Building and site controls, 2.5 Walls, Rule R13**

*Substitute first sentence with*

This rule applies to blocks or parcels in locations identified in Figures 2, 3 and 3a.

**4. Additional rules and criteria, RC2 – Residential, Element 2: Building and site controls, 2.10 Fencing, Rule R20**

*Substitute first sentence with*

This rule applies to blocks or parcels in locations identified by ‘front fencing’ in Figure 5, but only where principal private open space is provided forward of the building line.

**5. Additional rules and criteria, RC2 – Residential, Element 2: Building and site controls, 2.10 Fencing, Rule R21**

*Substitute first sentence with*

This rule applies to blocks or parcels in locations identified by ‘corner block fencing’ in Figure 5, but only where principal private open space is provided forward of the building line.

**6. Additional rules and criteria, RC2 – Residential, Element 2: Building and site controls, 2.10 Fencing, Rule R22**

*Insert after the second paragraph*

An access gate to the street or open space is required.

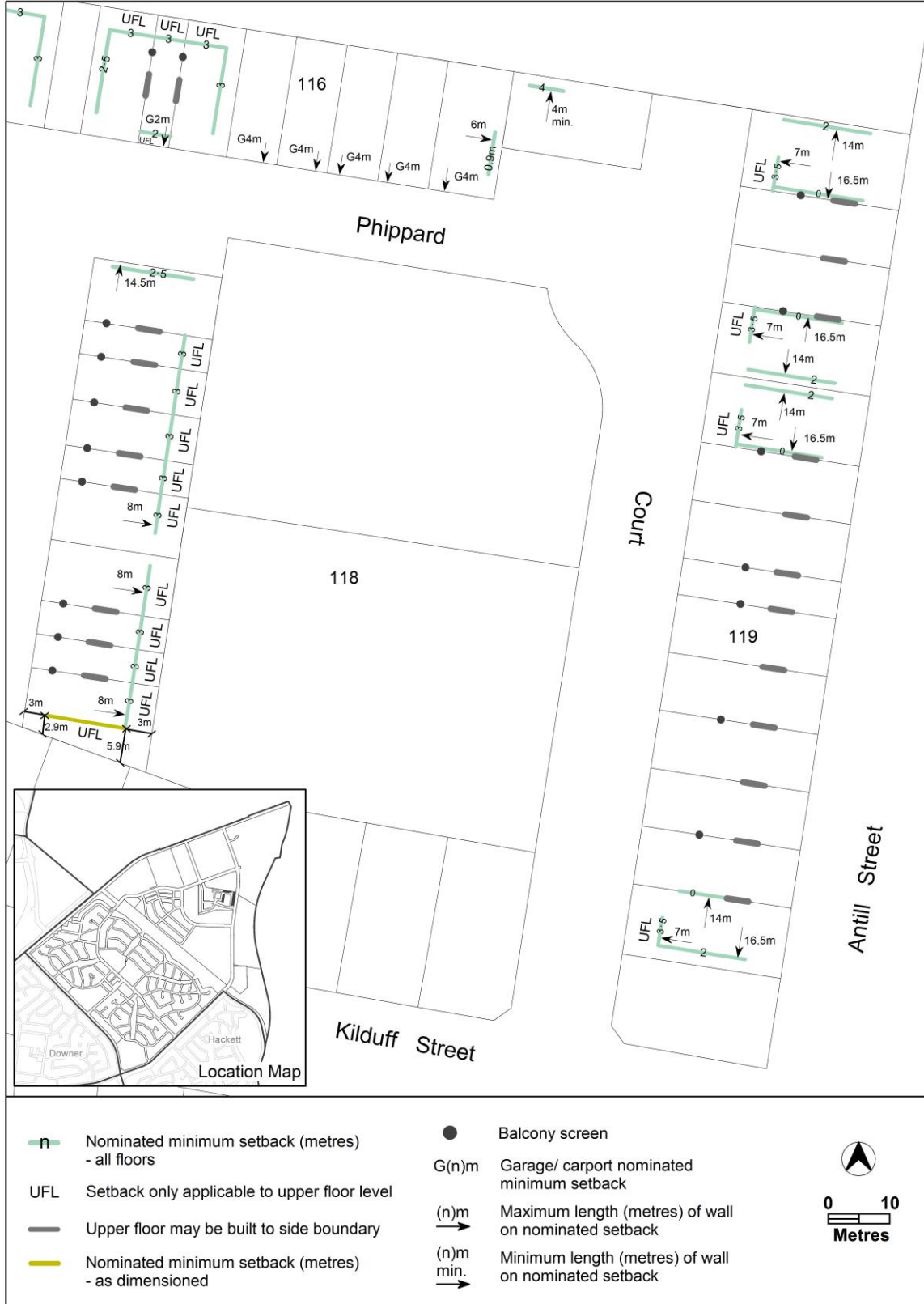
**7. Additional rules and criteria, RC2 – Residential, Element 2: Building and site controls, Figure 2 Watson residential area 1**

Substitute



**8. Additional rules and criteria, RC2 – Residential, Element 2: Building and site controls, Figure 3 Watson residential area 2**

Substitute



**9. Additional rules and criteria, RC2 – Residential, Element 2: Building and site controls, Figure 3 Watson residential area 2**

*Insert after Figure 3 Watson residential area 2*

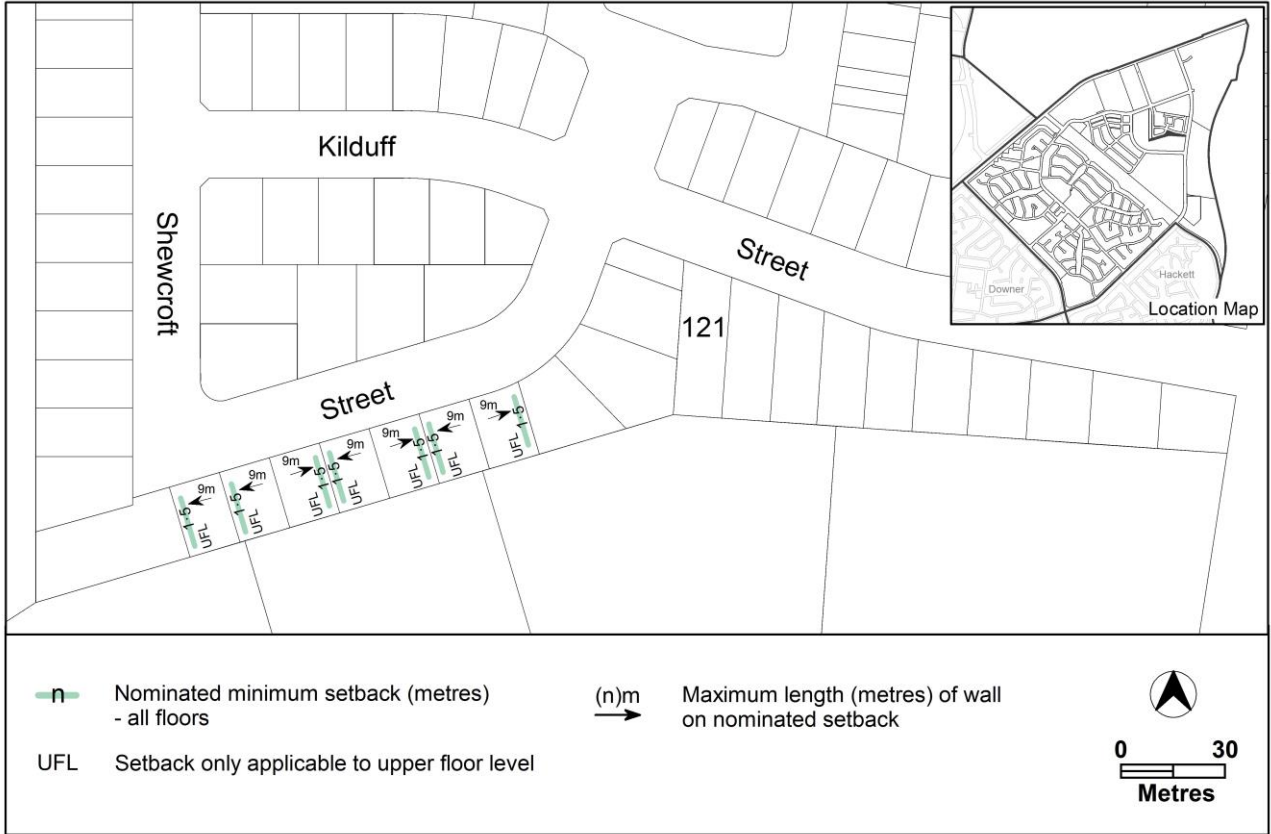
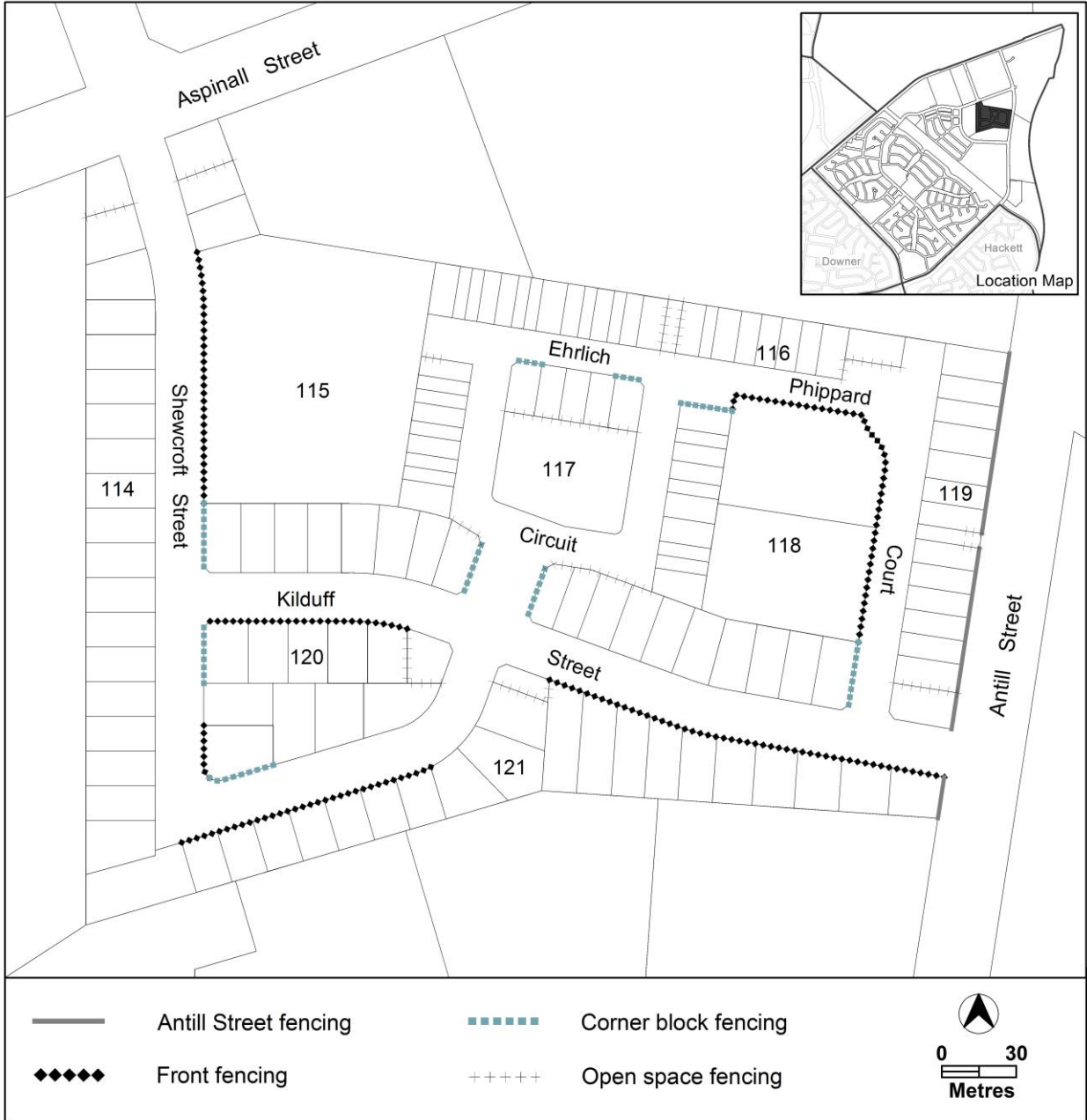


Figure 3a Watson residential area 2a

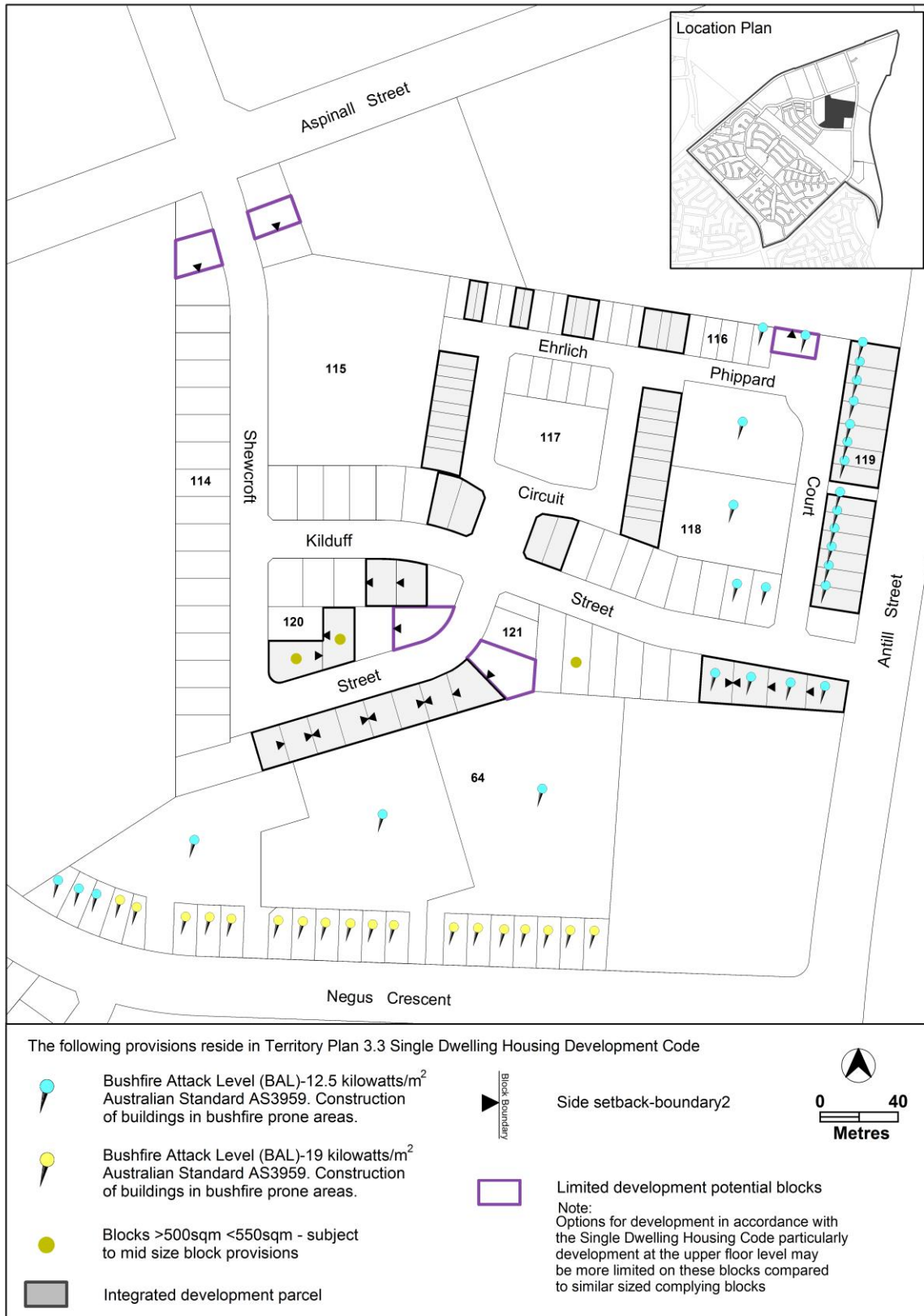
**10. Additional rules and criteria, RC2 – Residential, Element 2: Building and site controls, Figure 5 Watson residential area 4**

*Substitute*



**11. Other ongoing provisions, OP1 – Watson residential area, Figure 7  
Watson residential area ongoing provisions**

Substitute





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GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
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