

Australian Capital Territory

Planning and Development (Technical Amendment—FUA uplift and miscellaneous changes) Plan Variation 2023

Notifiable instrument NI2023—575

Technical Amendment No 2023-08

made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—FUA uplift and miscellaneous changes) Plan Variation 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Technical amendment

I am satisfied under the *Planning and Development Act 2007*, section 89 (1) (a), that the FUA uplift and miscellaneous changes plan variation is a technical amendment to the Territory Plan.

4 Dictionary

In this instrument:

FUA uplift and miscellaneous changes plan variation means the technical amendment to the Territory Plan, variation 2023-08, as set out in the schedule.

Note No consultation was required in relation to this plan variation under the Act, s 87.

Freya O'Brien
Delegate of the planning and land authority
6 September 2023



ACT
Government

Environment, Planning and
Sustainable Development

Schedule

Planning & Development Act 2007

**Technical
Amendment
to the Territory Plan
Variation 2023-08**

FUA uplift and miscellaneous changes

September 2023

Table of Contents

1.	INTRODUCTION	2
1.1	Purpose	2
1.2	Public consultation	2
1.3	National Capital Authority	2
1.4	Process	2
1.5	Types of technical amendments under the Act	3
2.	EXPLANATION.....	4
2.1	Variation to the Territory Plan Map	4
3.	TECHNICAL AMENDMENT	9
3.1	Territory Plan Map	9
3.2	Denman Prospect Precinct Map and Code.....	10
3.3	Wright Precinct Map and Code	12

1. INTRODUCTION

1.1 Purpose

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

Territory Plan Map

- Uplift the future urban area (FUA) overlay on land in the Division of Wright, as identified in Part 2 of this document

Denman Prospect Precinct Map and Code

- Add bushfire attack level rating to two blocks

Wright Precinct Map and Code

- Replace Wright Precinct Map.

1.2 Public consultation

Under section 87(1)(b) 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 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.

TA2023-08 has been prepared in accordance with section 87(1)(c) of the Act.

2. EXPLANATION

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

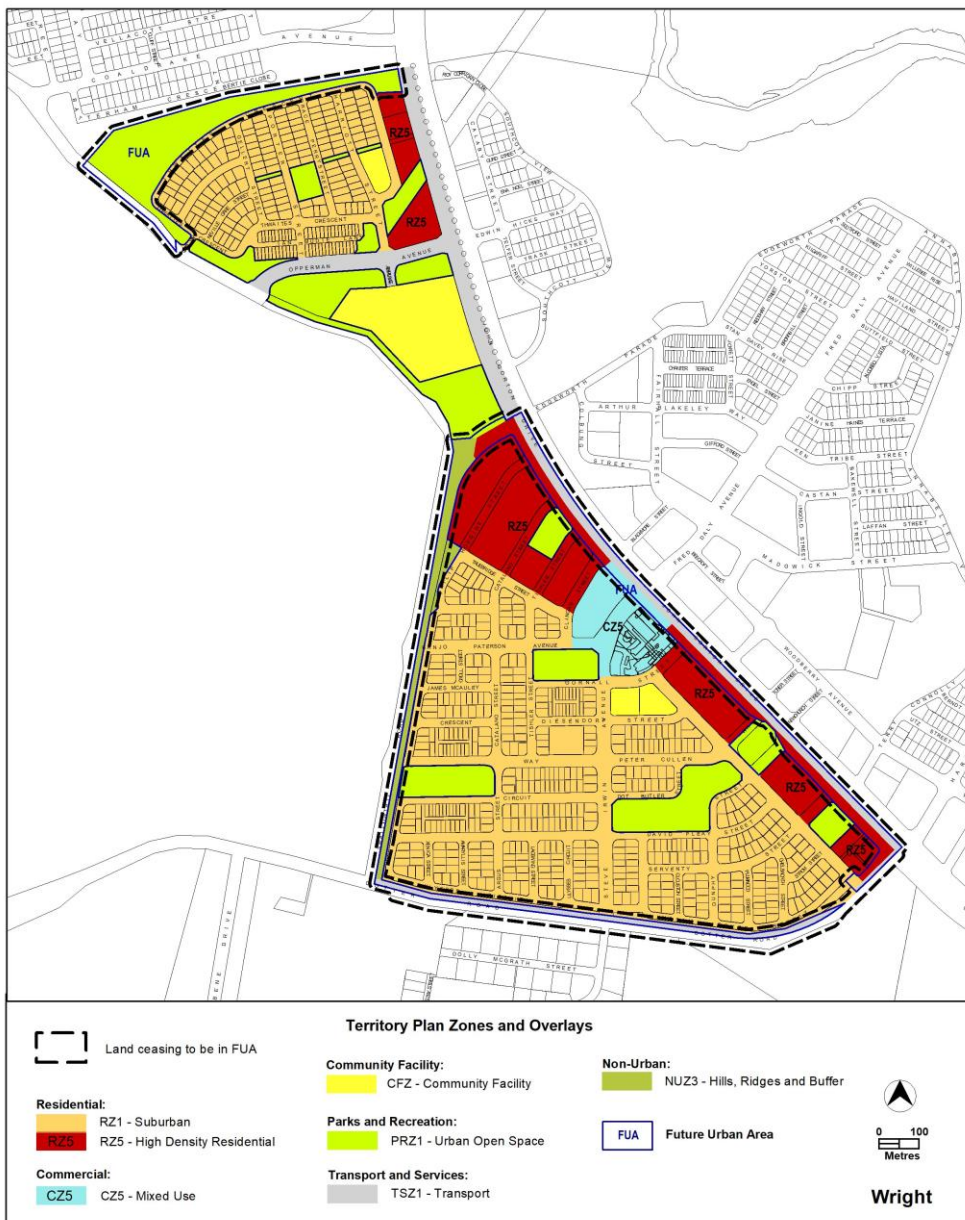
2.1 Variation to the Territory Plan Map

Variation to the Territory Plan Map

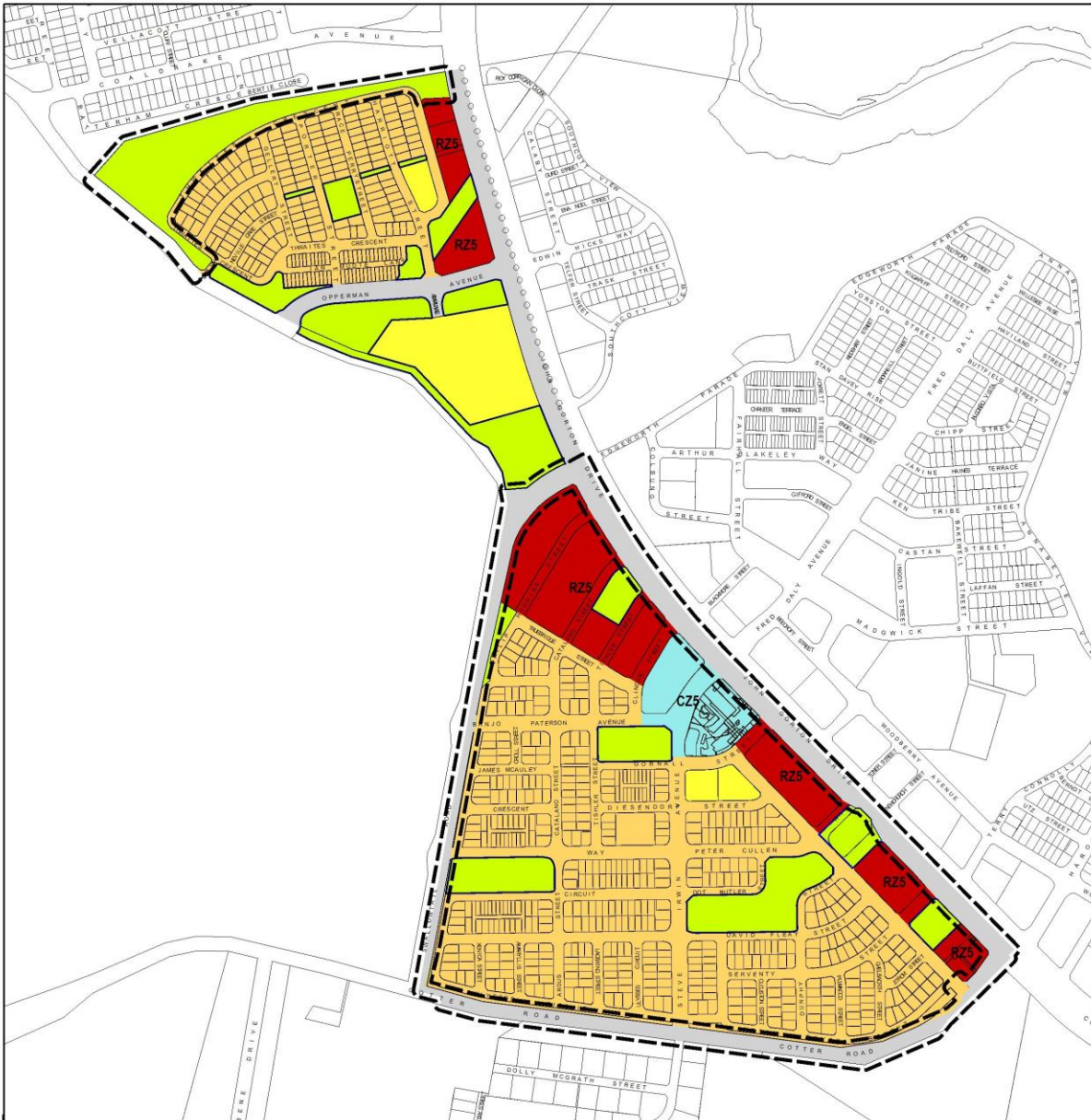
Wright

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

Wright – Existing Territory Plan Map



Wright – Proposed Territory Plan Map



Territory Plan Zones and Overlays

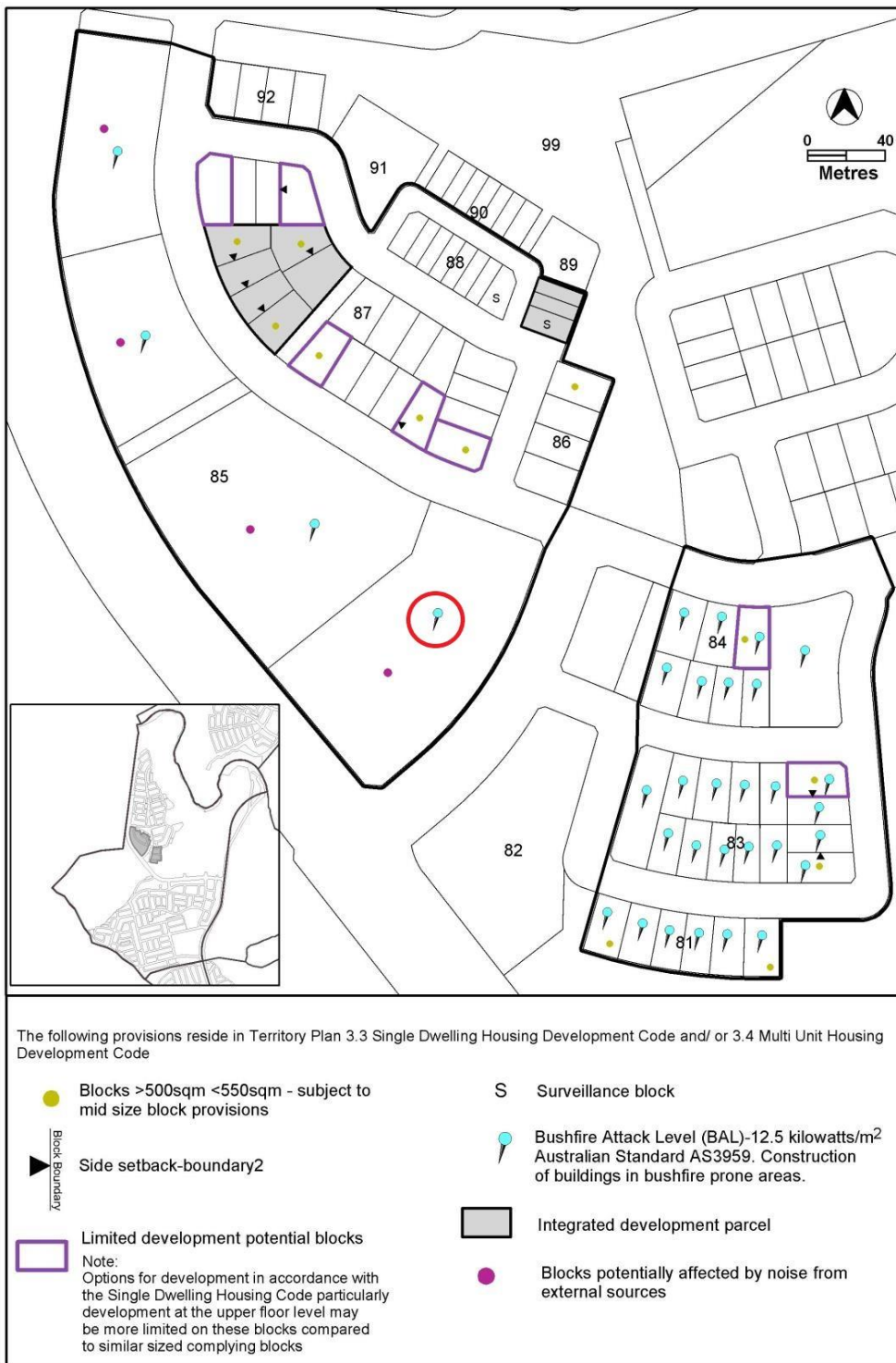
<p> Land ceasing to be in FUA</p> <p>Residential:</p> <ul style="list-style-type: none"> RZ1 - Suburban RZ5 - High Density Residential <p>Commercial:</p> <ul style="list-style-type: none"> CZ5 - Mixed Use 	<p>Community Facility:</p> <ul style="list-style-type: none"> CFZ - Community Facility <p>Parks and Recreation:</p> <ul style="list-style-type: none"> PRZ1 - Urban Open Space (includes Pe an urban open space) 	<p>Transport and Services:</p> <ul style="list-style-type: none"> TSZ1 - Transport <p>Non-Urban:</p> <ul style="list-style-type: none"> NUZ3 - Hills, Ridges and Buffer 	<p>0 100 Metres</p> <p>Wright</p>
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Variation to the Territory Plan

Denman Prospect

A bushfire attack level (BAL) rating of 12.5 is being added to Denman Prospect section 85 block 4 and section 98 block 1 which is consistent with the amended estate development plan.

Denman Prospect – Existing Figure 12, addition of BAL12.5 identified in red circle



Denman Prospect – Existing Figure 13, addition of BAL12.5 identified in red circle



The following provisions reside in Territory Plan 3.3 Single Dwelling Housing Development Code and/ or 3.4 Multi Unit Housing Development Code

- Blocks >500sqm <550sqm - subject to mid size block provisions
 - ⚡ Bushfire Attack Level (BAL)-12.5 kilowatts/m² Australian Standard AS3959. Construction of buildings in bushfire prone areas.
 - Block Boundary
 - ▶ Side setback-boundary2
 - Limited development potential blocks
 - Integrated development parcel
 - Blocks potentially affected by noise from external sources
- Note:
Options for development in accordance with the Single Dwelling Housing Code particularly development at the upper floor level may be more limited on these blocks compared to similar sized complying blocks

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 adds a BAL rating as an ongoing provision to two blocks, consistent with the amended estate development plan.

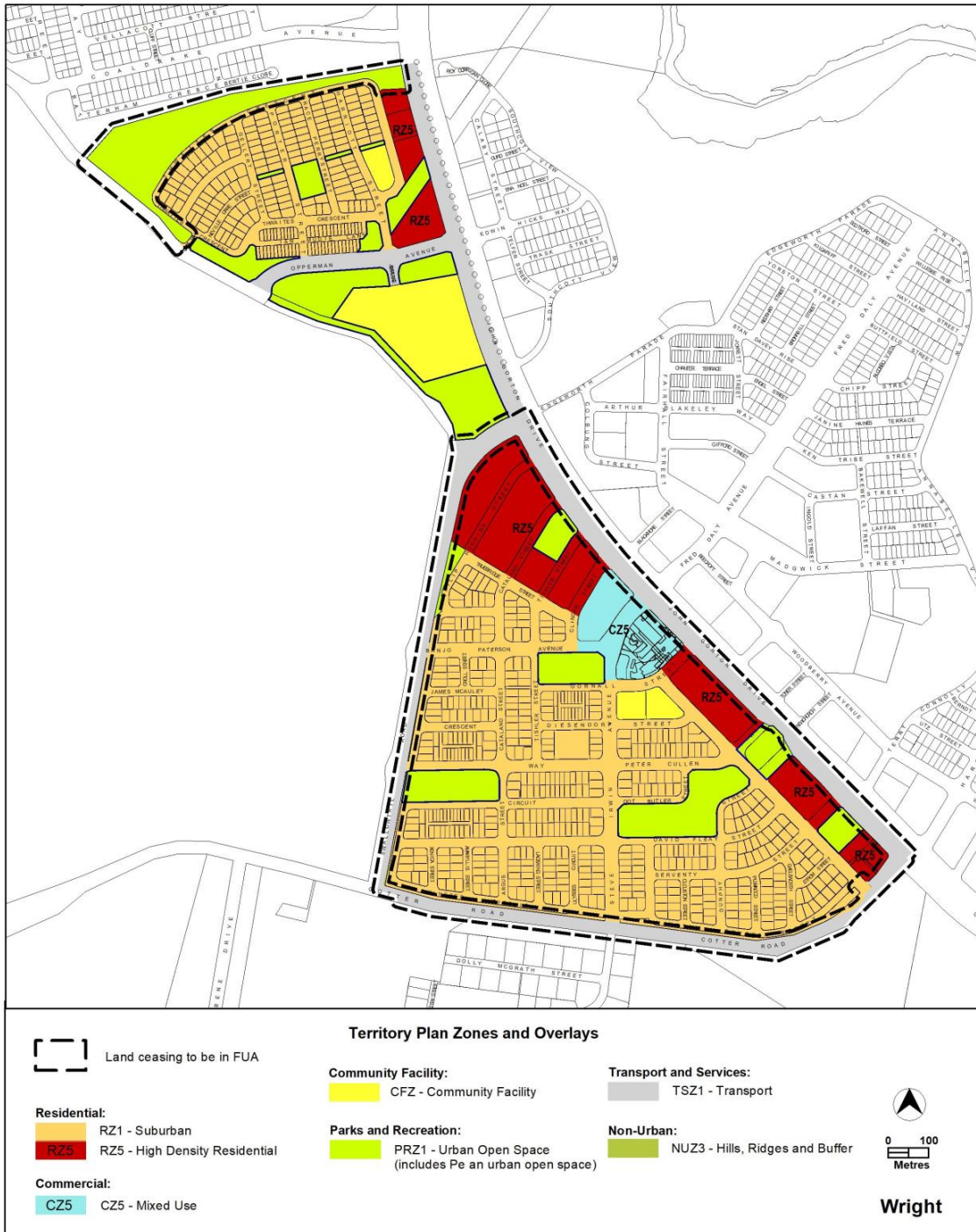
3. TECHNICAL AMENDMENT

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. Wright

The Territory Plan map is varied as indicated below.



3.2 Denman Prospect Precinct Map and Code

2. Other ongoing provisions, OP5 – Denman Prospect residential area, Figure 12 Denman Prospect residential area ongoing provisions

substitute

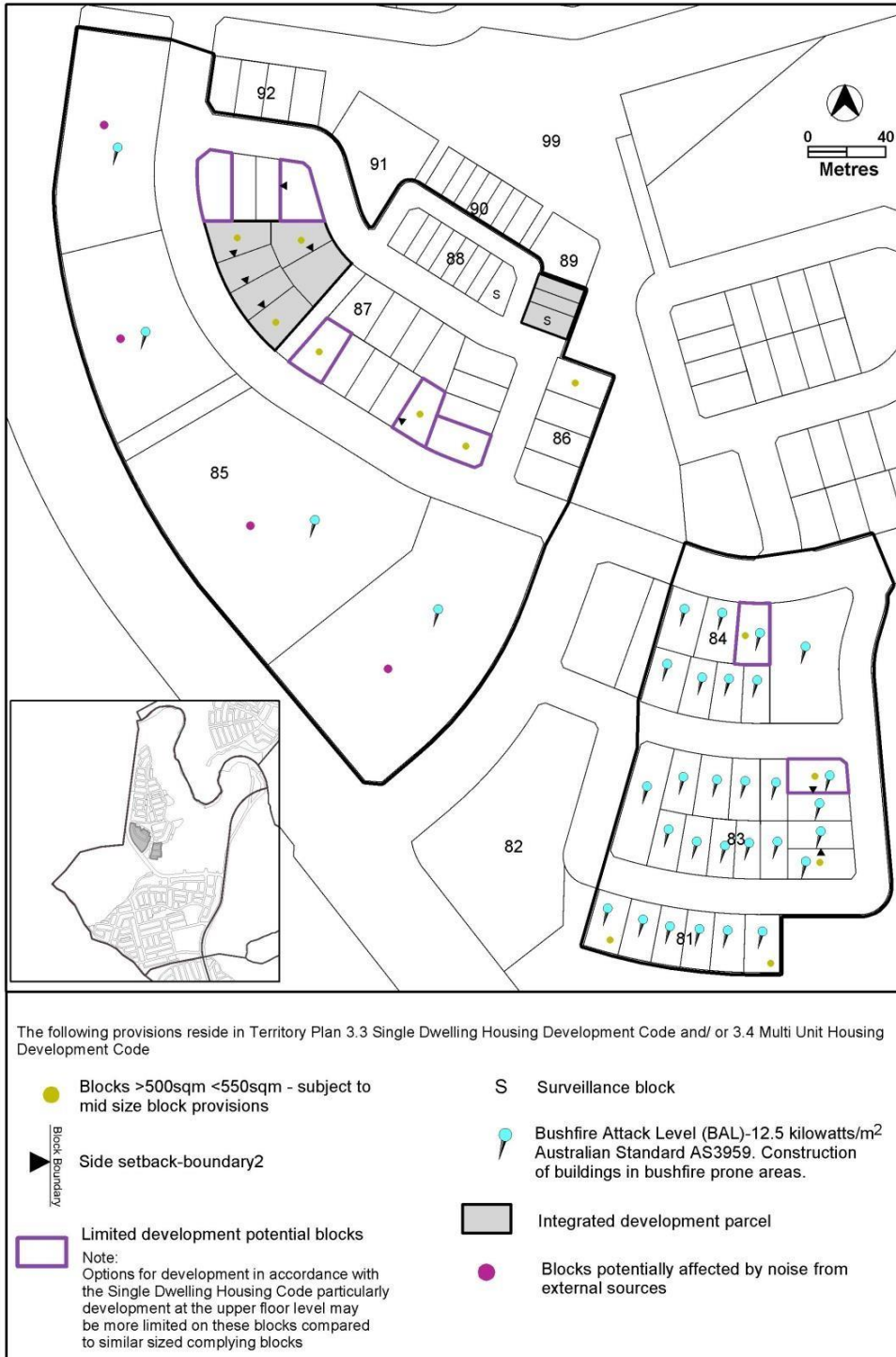


Figure 12 Denman Prospect residential area ongoing provisions

3. Other ongoing provisions, OP6 – Denman Prospect residential area, Figure 13 Denman Prospect residential area ongoing provisions

substitute

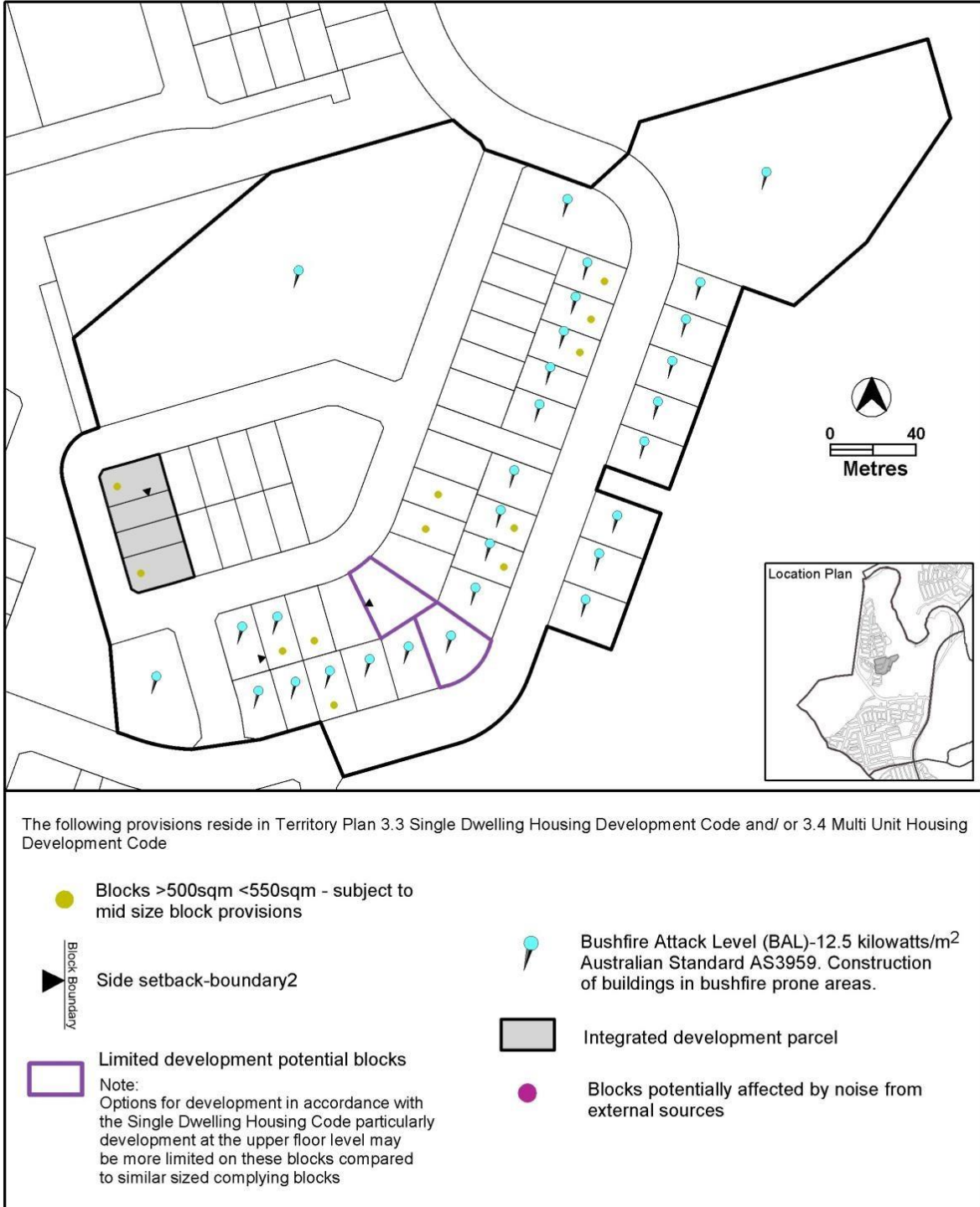
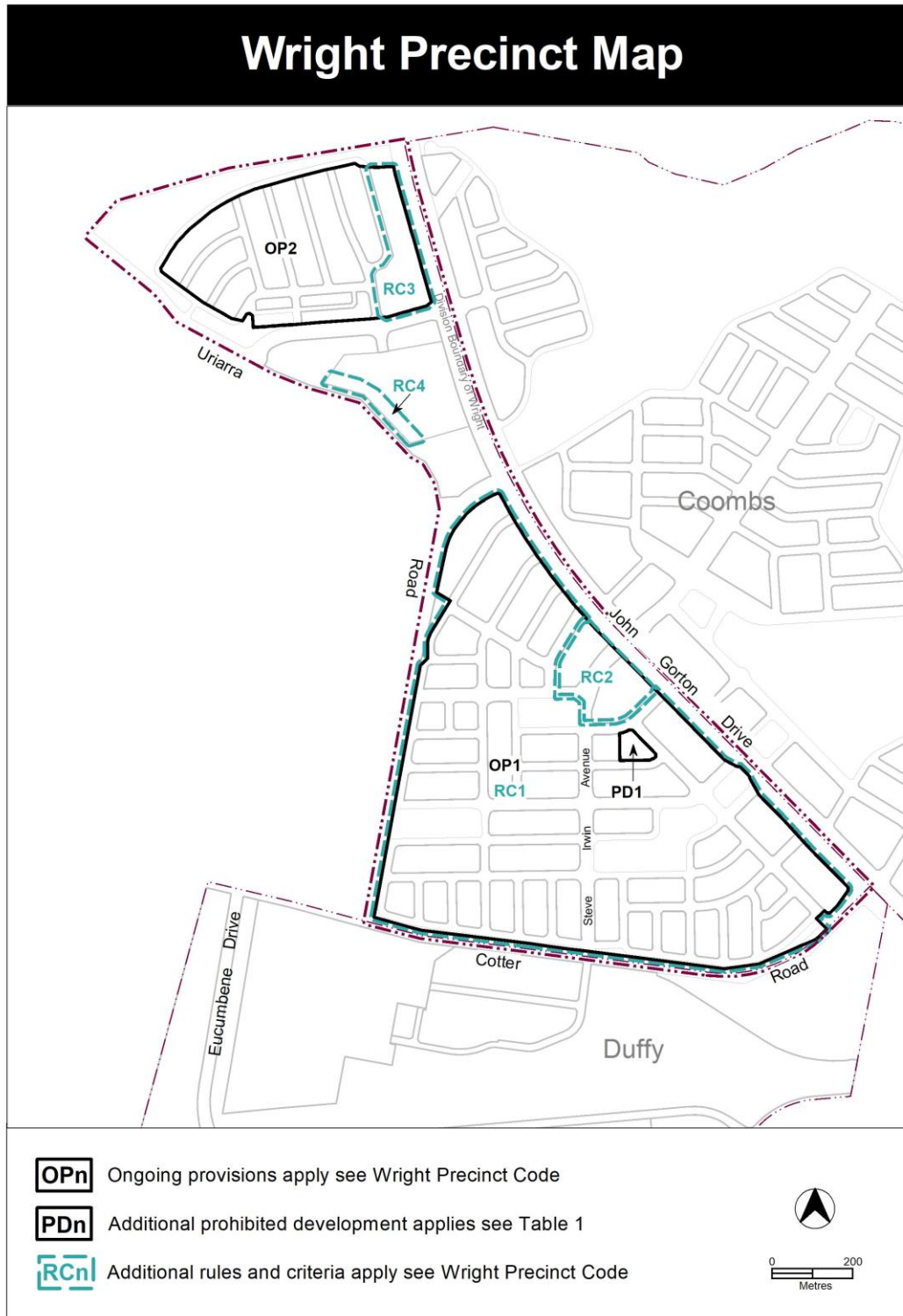


Figure 13 Denman Prospect residential area ongoing provisions

3.3 Wright Precinct Map and Code

4. Wright Precinct Map

substitute



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 τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjuna 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

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