

# Planning and Development (Technical Amendment—Yarralumla) Plan Variation 2022

Notifiable instrument NI2022–494

Technical Amendment No 2022-09

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—Yarralumla) Plan Variation 2022*.

## 2 Commencement

This instrument commences on 7 October 2022.

## 3 Technical amendment

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

## 4 Dictionary

In this instrument:

***Yarralumla plan variation*** means the technical amendment to the Territory Plan, variation 2022-09, in the schedule.

Dianne Stewart  
Delegate of the planning and land authority  
4 October 2022

Schedule  
(see section 4)



**ACT**  
Government

Environment, Planning and  
Sustainable Development

*Planning and Development Act 2007*

# **Technical Amendment to the Territory Plan**

## **2022-09**

Yarralumla section 102 block 1

Clarification amendment and rezoning  
boundary changes

October 2022

**Commencement version**

under section 89 of the *Planning and Development Act 2007*

# 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 .....	2
2. EXPLANATORY STATEMENT .....	3
2.1 Background.....	3
2.2 Variation to the Territory Plan Map .....	5
2.3 Variation to the Yarralumla Precinct Map and Code .....	9
3. TECHNICAL AMENDMENT.....	11
3.1 Variation to the Territory Plan Map .....	11
3.2 Variation to the Yarralumla Precinct Map and Code .....	12

# 1. INTRODUCTION

## 1.1 Purpose

This technical amendment proposes changes to the Territory Plan as follows:

### *Territory Plan Map*

- realign zone boundary at Yarralumla section 102 block 1 (also described as Canberra Centre rural block 764)

### *Yarralumla Precinct Code, RC1 – Yarralumla Brickworks*

- clarify that mandatory rule R1 applies to the entire Brickworks redevelopment site identified by RC1 on the Yarralumla Precinct Map

## 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.

TA2022-09 was released for public consultation from 5 August 2022 to 2 September 2022. No public submissions were received.

## 1.3 National Capital Authority

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (**NCA**) with two of its functions being to prepare and administer a National Capital Plan (the **Plan**) and to keep the NCP under constant review and to propose amendments to it when necessary.

The Plan, which was published in the Commonwealth Gazette on 21 January 1990, is required to ensure Canberra and the Territory are planned and developed in accordance with their national significance. The *Australian Capital Territory (Planning and Land Management) Act 1988* also requires the Territory Plan not be inconsistent with the Plan. The areas covered by this technical amendment are within urban areas identified in the Plan.

The NCA has been advised of this technical amendment.

## 1.4 Process

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

TA2022-09 has been prepared in accordance with section 87 (1) (b) and 90A (Rezoning – boundary changes) and section 87 (2) (e) (a variation to clarify language) of the Act.

## **2. EXPLANATORY STATEMENT**

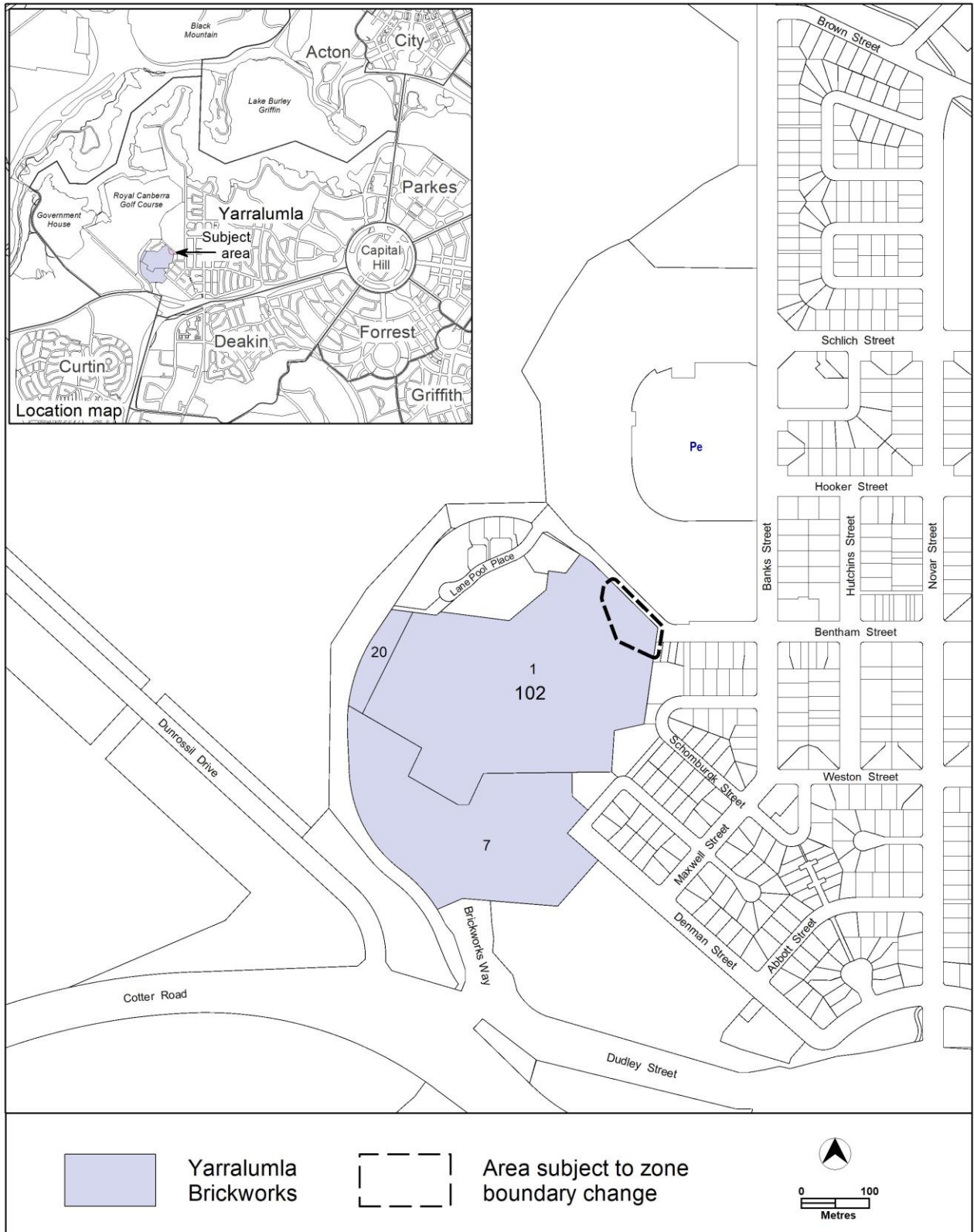
This part of the technical amendment document explains the changes to be made to the Territory Plan, the reasons for the change, and a statement of compliance against the relevant section of the Act.

### **2.1 Background**

The ACT Government has worked closely with the community over many years to refine plans for redevelopment of the Canberra Brickworks at Yarralumla. A decision to reduce the redevelopment area and focus on transforming the Brickworks and surrounding sites into a vibrant showcase of sustainable urbanism, benefiting Canberrans for generations to come, was announced in late August 2015.

The former Canberra Brickworks at Yarralumla began producing bricks in 1916 and operated until its closure in 1976. The Brickworks was Canberra's first industrial manufacturing facility for bricks that were used in the construction of many early and prominent buildings such as Old Parliament House, Hotel Canberra, East Block and Hotel Kurrajong. Today the Brickworks has historical value and its quarry and railway remnants provide a window into Canberra's industrial and social history.

The revitalisation and restoration of the heritage precinct, including the former kilns, will house commercial uses. These uses include food and beverage outlets and wellness facilities that showcase the site's history. The development will include approximately 380 new dwellings with a mix of stand-alone houses, townhouses and low-rise apartments that will expand Yarralumla's existing suburban community while seeking to maintain its landscape character and historic values.



Location map

## 2.2 Variation to the Territory Plan Map

In accordance with section 87(1)(b) and section 90A of the *Planning and Development Act 2007* this technical amendment makes changes to the zone boundary at Yarralumla section 102 block 1 to:

- realign the zone boundary between the Commercial CZ6 Leisure and Accommodation zone and the Residential RZ1 Suburban zone

The planning and land authority was requested to make changes to the zone boundary by the relevant land custodian (the Suburban Land Agency).

The majority of Yarralumla section 102 block 1, one of the blocks which forms part of the brickworks redevelopment, is zoned Commercial CZ6 Leisure and Accommodation. There is a small portion of the 95,817m<sup>2</sup> block of approximately 3,800m<sup>2</sup> that is zoned Residential RZ1 Suburban.

To enable a good planning outcome that is logical and allow a comprehensive development of the former brickworks site under the same zoning, it is proposed that the boundary between the two zones is changed to align with the existing boundary of Yarralumla section 102 block 1.

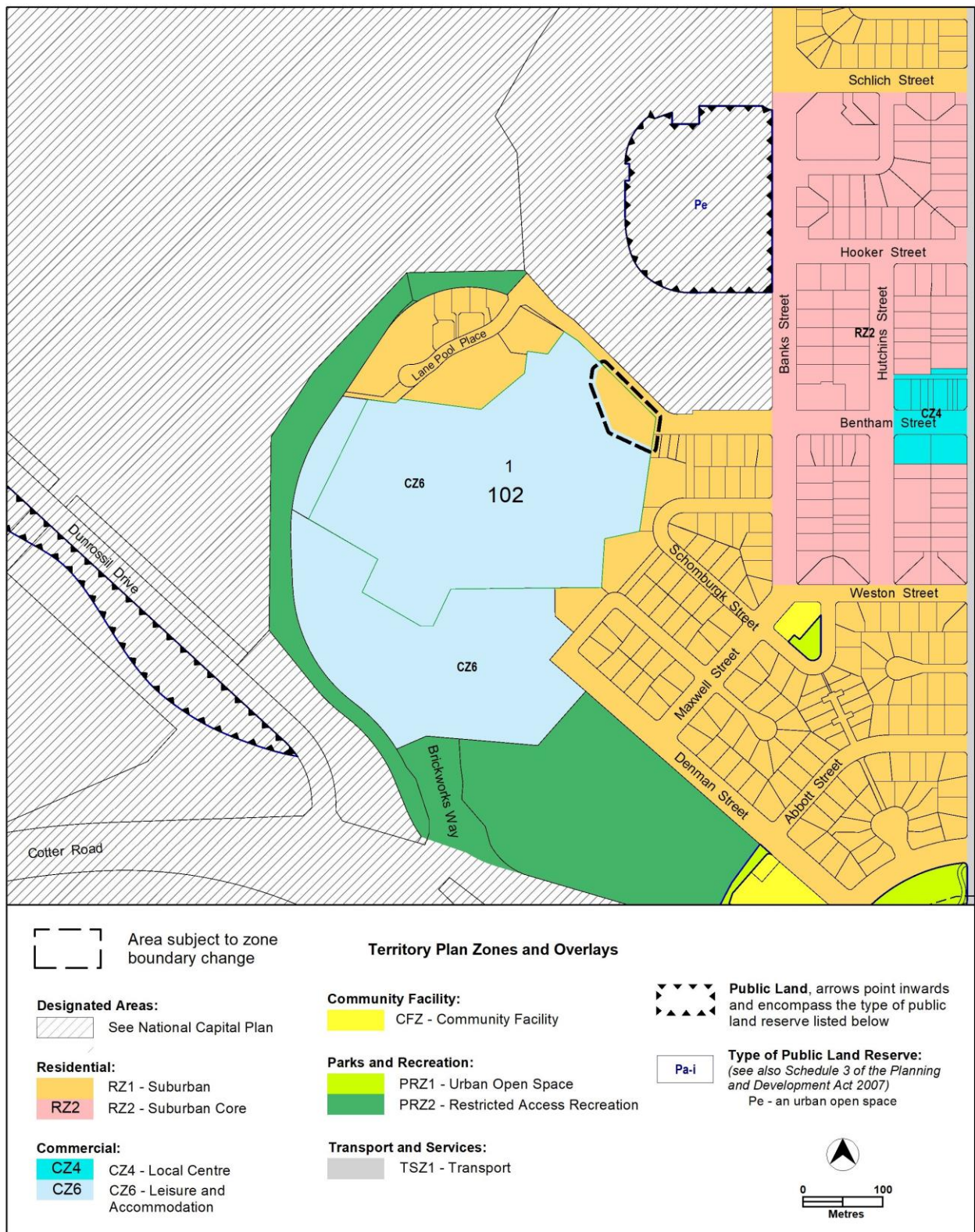
The adjustment to the zone boundary is consistent with the apparent intent of the original boundary as identified in the Yarralumla Brickworks South Canberra Policy Plan 1988.

This proposal is consistent with zone objectives, which include protecting the amenity of nearby residential areas with regard to noise, traffic, parking and privacy and to limit the bulk, scale, size, design and landscaping of development so that it is compatible with the surrounding landscape.

Existing provisions in the Yarralumla precinct map and code, including height limits will continue to apply to this part of the site. Additional controls may also be incorporated into the precinct map and code in accordance with the Planning Control Plan assessed as a part of the Estate Development Plan development application.

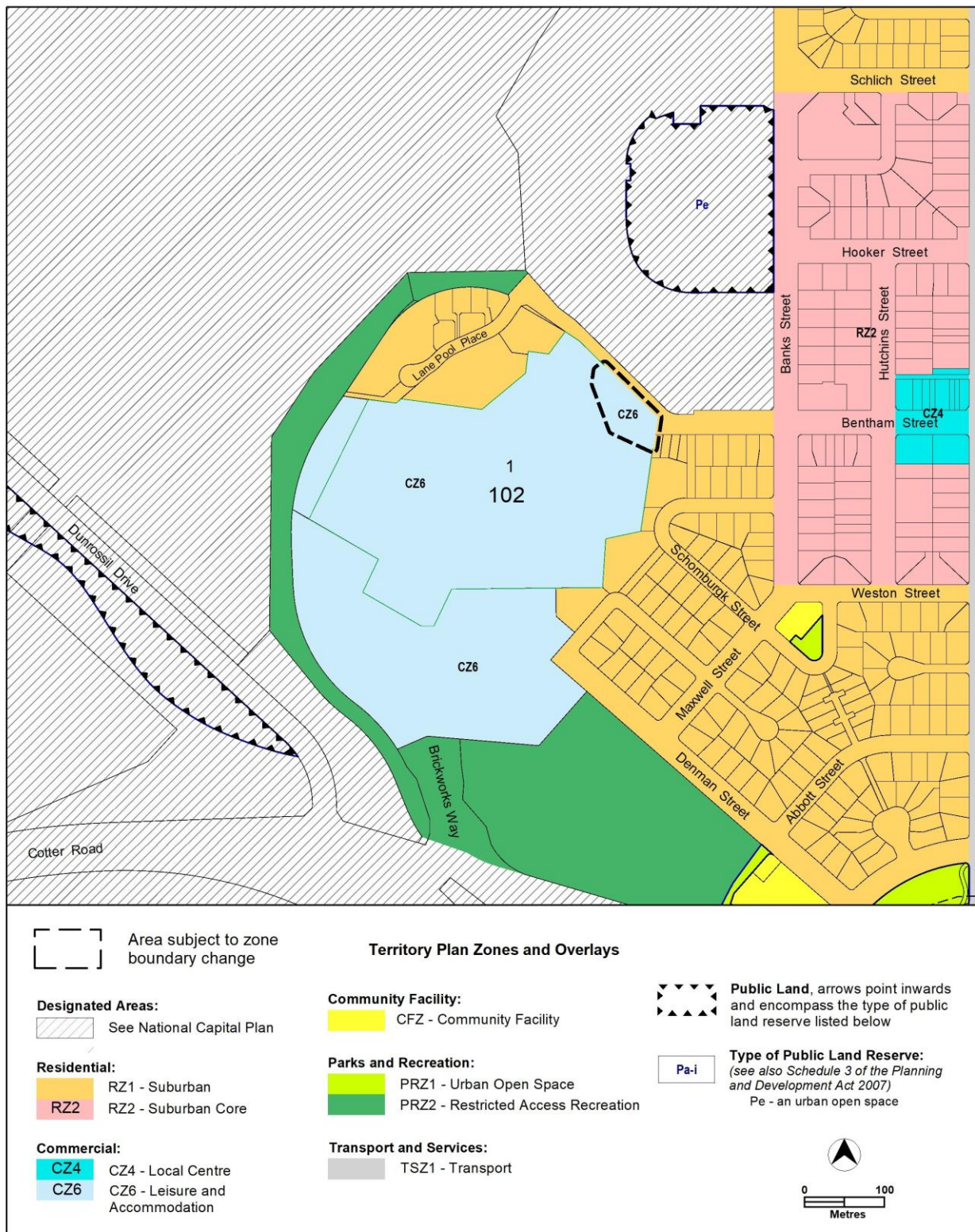


## Existing Territory Plan Map





## Proposed Territory Plan Map



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

Section	Statement
Section 87(1)(b) – a variation to change the boundary of a zone or overlay under section 90A (Rezoning boundary changes)	
<p>Section 90A</p> <p>(1) This section applies to a zone or overlay in relation to land if the land adjoins unleased territory land or land for which the Territory is the registered proprietor (the adjoining territory land).</p>	<p>This technical amendment proposes to adjust the zone boundary on land for which the Territory is the registered proprietor at Yarralumla section 102 block 1 (also known as Canberra Central rural block 764).</p>
<p>(2) The planning and land authority may vary the territory plan under section 89 (Making technical amendments) to change the boundary of the zone or overlay to encroach onto the adjoining territory land if the change is consistent with— (a) the apparent intent of the original boundary line; and (b) the objective for the zone.</p>	<p>The technical amendment will adjust the zone boundaries in line with the block boundary to allow an improved and logical development outcome.</p> <p>The proposed amendment is considered to be consistent with the apparent intent of the original zone boundary because it is consistent with the area identified in the Yarralumla Brickworks South Canberra Policy Plan 1988.</p> <p>The proposed technical amendment will facilitate outcomes expressed in the CZ6 zone objectives by protecting the amenity of nearby residential areas and allow a more cohesive and logical development of the area. All development at the former Yarralumla brickworks site will be covered by the same zone and additional provisions of the Yarralumla Precinct Map and Code.</p> <p>The amendment to the zone boundary results in a small addition to the CZ6 zone, and a corresponding reduction to the RZ1 zone.</p>
<p>(3) The planning and land authority may vary the territory plan under section 89 to change the boundary of an overlay to encroach onto the adjoining territory land if—</p> <p>(a) the authority is advised to do so by—</p> <ul style="list-style-type: none"> <li>(i) the conservator of flora and fauna; or</li> <li>(ii) the custodian of the land for the overlay; and</li> </ul> <p>(b) the conditions in subsection (2) (a) and (b) are satisfied.</p>	<p>The planning and land authority has been advised to make the changes to the zones by the land custodian, the Suburban Land Agency. The subject land is not subject to a Territory Plan overlay.</p> <p>The conditions in subsection (2) (a) and (b) are satisfied as explained above.</p>

Section	Statement
(4) In this section: overlay means an overlay identified in the territory plan.	

## 2.3 Variation to the Yarralumla Precinct Map and Code

Rule R1 of the Yarralumla Precinct code applying the RC1 – Yarralumla Brickworks is as follows.

Existing rule R1

Rules	Criteria
<b>1.1 SHOP and offices – floor area limit</b>	
<p>R1</p> <p>The maximum gross floor area is:</p> <p>a) <i>SHOP</i> except where associated with or related to entertainment, accommodation and leisure uses – 500m<sup>2</sup></p> <p>b) <i>office</i> – 1500m<sup>2</sup></p>	<p>This is a mandatory requirement. There is no applicable rule.</p>

The wording below clarifies that the gross floor area limits apply to the entire RC1 area.

Proposed rule R1.

Rules	Criteria
<b>1.1 SHOP and offices – floor area limit</b>	
<p>R1</p> <p>Total maximum gross floor area across the RC1 area for all:</p> <p>a) <i>SHOP</i> except where associated with or related to entertainment, accommodation and leisure uses – 500m<sup>2</sup></p> <p>b) <i>Office</i> – 1500m<sup>2</sup>.</p>	<p>This is a mandatory requirement. There is no applicable rule.</p>

This technical amendment to rule R1 clarifies and removes any doubt that the limits in the rule apply to the entire former brickwork site identified in RC1.

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

<b>Section</b>	<b>Statement</b>
<b>s87(2)(e)</b> (e) a variation to clarify the language in the territory plan if it does not change the substance of the plan.	Compliant. Only the language is being clarified to remove any doubt that the limits for SHOP and office apply to the entire former brickworks site at Yarralumla identified in RC1 in the Yarralumla precinct map and code.



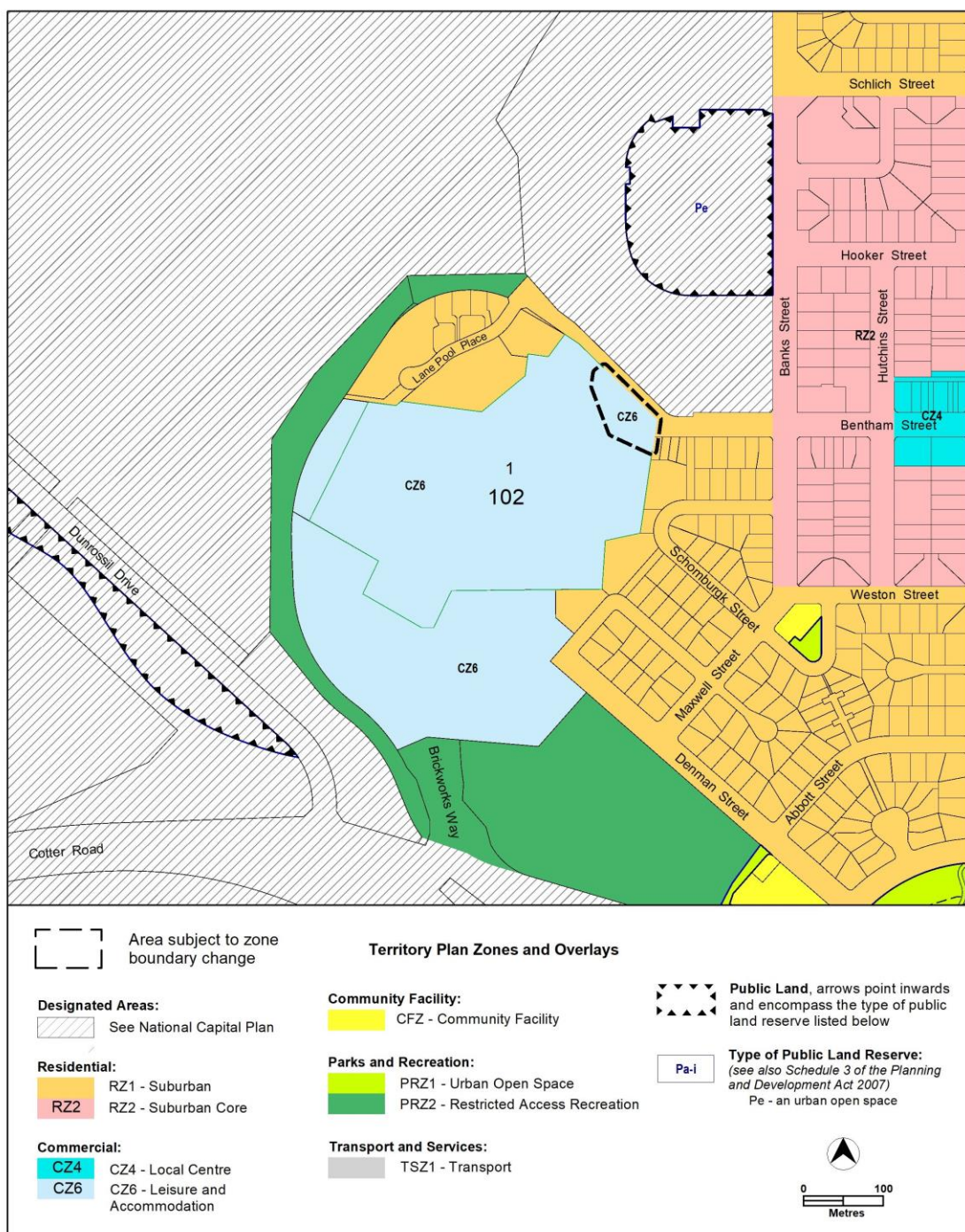
### 3. TECHNICAL AMENDMENT

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

#### 3.1 Variation to the Territory Plan Map

##### 1. Yarralumla section 102 block 1

The Territory Plan map is varied as indicated below.



## 3.2 Variation to the Yarralumla Precinct Map and Code

### 2. Yarralumla section 102 block 1

#### *Substitute*

Rules	Criteria
<b>1.1 SHOP and offices – floor area limit</b>	
<p>R1</p> <p>Total maximum gross floor area across the RC1 area for all:</p> <ul style="list-style-type: none"><li>a) <i>SHOP</i> except where associated with or related to entertainment, accommodation and leisure uses – 500m<sup>2</sup></li><li>b) <i>Office</i> – 1500m<sup>2</sup>.</li></ul>	<p>This is a mandatory requirement. There is no applicable rule.</p>

## 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-għajnunja 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:

### TRANSLATING AND INTERPRETING SERVICE

**131 450**

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