

Australian Capital Territory

Land (Planning and Environment) Territory Plan Amendment 2006 (No 1)

Disallowable Instrument DI2006-14

made under the

**Land (Planning and Environment) Act 1991 s294 (Territory plan variation – omission of
heritage places register)**

1. Name of Instrument

This instrument is the *Land (Planning and Environment) Territory Plan
Amendment 2006 (No 1)*

2. Commencement

This instrument commences the day after notification.

3. Amended annexe

Schedule 1 of the Territory Plan Written Statement as amended is at Annexe A.

Simon Corbell
Minister for Planning

30 January 2006

The Territory Plan Written Statement is amended as set out in schedule 1 below:

Schedule 1

Part	Reference/Clause	Page	Amendment
VOLUME 1			
TABLE OF CONTENTS		iv	Under heading Appendices substitute 'V Heritage Places Register' with 'V Deleted (refer <i>Heritage Act 2004</i>).'
GUIDE TO THE TERRITORY PLAN	Part C Overlay Provisions	vii	Delete 'Heritage Places Register'
GUIDE TO THE TERRITORY PLAN	Appendices	viii	Under the heading Appendix V Heritage Places Register delete existing text and substitute with 'Deleted (refer <i>Heritage Act 2004</i>).'
A2 STRATEGIC PRINCIPLES	5 Environmental and High Quality Design subclause 5.7	6 of A2	Replace clause 5.7 with ' 5.7 Identified places of heritage significance will be protected in accordance with requirements for their conservation contained in the Heritage Register and any relevant heritage guidelines under the <i>Heritage Act 2004</i> . Special provisions are included in the Heritage Act for the recognition, registration and conservation of Aboriginal heritage.'
A3 PLAN ADMINISTRATION	4 Heritage Places Register	2 of A3	<p>Replace the wording in the text box at section 4. HERITAGE PLACES REGISTER with new wording below:</p> <p>'The <i>Heritage Act 2004</i>, which came into effect on 9 March 2005, removed the Heritage Register from the Territory Plan and established a new process for the registration of heritage places and objects in the Territory. Under the Heritage Act, the Heritage Council is responsible for the Heritage Register, the heritage registration process and the preparation of heritage guidelines to conserve heritage significance.</p> <p>The Heritage Act also made a number of consequential amendments to the Land Act which have the effect of obliging the Planning Authority to notify the Heritage Council of development applications related to a nominated or registered place. The Authority must consider the Council's advice in determining such applications and is obliged to ensure impacts on heritage significance are avoided or minimised. The Council may appeal to the Administrative Appeals Tribunal for a review of the Authority's decision.'</p>

A3 PLAN ADMINISTRATION	4 Heritage Places Register	2 of A3	Delete Clause 4.1
A3 PLAN ADMINISTRATION	9 Consideration of Land Use and Development Proposals subclause 9.1 f)	6 of A3	Substitute the words in paragraph f) with ‘Deleted (refer <i>Heritage Act 2004</i>).’
A3 PLAN ADMINISTRATION	9 Consideration of Land Use and Development Proposals subclause 9.2 g)	7 of A3	Substitute the words ‘Heritage Places Register’ with ‘Heritage Register’
A3 PLAN ADMINISTRATION	9 Consideration of Land Use and Development Proposals subclause 9.2	7 of A3	Add ‘i) any advice given to the Authority by the ACT Heritage Council under <i>the Heritage Act 2004</i> .’
B1 RESIDENTIAL LAND USE POLICIES	Preamble – second last paragraph	2 of B1	Substitute the words in the second sentence with ‘These areas are identified on the Heritage Register.’
B1 RESIDENTIAL LAND USE POLICIES	3.5 Residential development – subclause a)	8 of B1	Substitute the words in paragraph a) in clause 3.5 with ‘the proposed development complies with any relevant Area specific Policy (see section 4).’
B1 RESIDENTIAL LAND USE POLICIES	3.6 Residential Development and Redevelopment – Suburban Areas, Information text box, first paragraph	9 of B1	Substitute the words in the second sentence with ‘It includes residential areas with an ‘A’ prefix, Area Specific Policy overlay other than the A10 overlay.’
B1 RESIDENTIAL LAND USE POLICIES	3.6 Residential Development and Redevelopment – Suburban Areas, Controls subclause b) i)	9 of B1	Substitute subparagraph 3.6 b i) with ‘Consolidation of leases for standard blocks may only be approved where the land is not registered on the Heritage Register and the development is for supportive housing purposes.’
B1 RESIDENTIAL LAND USE POLICIES	3.6 Residential Development and Redevelopment – Suburban Areas, Controls subclause b) ii)	9 of B1	Delete subparagraph 3.6 b ii)
B1 RESIDENTIAL LAND USE POLICIES	3.6 Residential Development and Redevelopment – Suburban Areas, Controls subclause b) iii)	9 of B1	Substitute subparagraph 3.6.b iii) with the amended subparagraph ‘ii) The subdivision of a lease of a <i>standard block</i> to provide for more than one dwelling (including subdivision under the <i>Unit Titles Act 2001</i>) may only be approved where the land is not registered on the Heritage Register and all of the dwellings were lawfully constructed, approved or had been the subject of a formally commenced High Quality Sustainable Design process (ACT Planning and Land Management; June 2001) before 17 June 2003 and for which a development application had been lodged by 1 September 2003.’

B1 RESIDENTIAL LAND USE POLICIES	Area A10 Residential Core. Information text box, first paragraph	14 of B1	Substitute the words in the last sentence with ‘The Core Areas exclude any area that is subject to another area specific policy (see Section 4 of the Residential Land Use Policies).’
C OVERLAY PROVISIONS	5 Heritage Places Register	11 of C	Substitute Clause 5 with ‘ 5. Deleted. (refer <i>Heritage Act 2004</i>)’
D DEFINITION OF TERMS	Definition ‘Heritage Places Register’	8 of D	Substitute with ‘ Heritage Register has the same meaning as in the <i>Heritage Act 2004</i> .’
VOLUME 2			
TABLE OF CONTENTS		i	Substitute ‘V Heritage Places Register’ with ‘V Deleted (refer <i>Heritage Act 2004</i>)’.
APPENDIX IV SIGNS POLICIES	1 Objectives sub clause e)	2 of App IV	Delete the words in Objective e) and substitute with ‘to ensure that signage on places on the Heritage Register appropriately recognises the heritage value of the site.’