

Australian Capital Territory

# **Planning and Development (Technical Plan Variation—Error Variation) Notice 2009 (No 2)\***

**Notifiable instrument NI2009—99**

**Technical Variation No 2009-06**

made under the

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

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This instrument (and the plan variation in it) commences on the day after it is notified.

Variation No 2009–06 to the Territory Plan has been approved by the Planning and Land Authority

The variation specifies miscellaneous corrections to the Territory Plan as detailed in Annexure A.

Neil Savery  
Planning and Land Authority  
13 March 2009

\*Name amended under Legislation Act, s 60



**Planning & Development Act 2007**

**Technical Amendment  
to the Territory Plan**

**No. 2009-06**

**Miscellaneous Error Variation No. 5**

**March 2009**

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# 1. INTRODUCTION

## 1.1 Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the Act) establishes the ACT Planning and Land Authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary. Part 5.4 section 87 of the Act allows for technical amendments to be made to the Territory Plan in a number of circumstances.

This technical amendment is an error variation and is subject to approval of the ACT Planning and Land Authority (the Authority) under section 87a of the Act. Error variations are not subject to the limited consultation requirements under section 90 of the Act. The Authority needs to be satisfied that the error variation would be a technical amendment and fix a date when the plan variation is to commence. On approval, the variation will commence in accordance with the commencement notice in the Legislation Register and will be notified in a daily news paper. The Territory Plan will be updated to reflect the changes that are approved in the error variation.

# 2. EXPLANATORY STATEMENT

## 2.1 Background

Under section 87(a) of the Act, an error variation is defined as a 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.

A formal error is defined as:

- a) a clerical error; or
- b) an error arising from an accidental slip or omission; or
- c) a defect of form.

## 2.3 Proposed Changes and Reasons

### A. Single Dwelling Housing Development Code Part C(1), Rule 53

Part C(1) of the Single Dwelling Housing Development Code, Element 6, R53, insert the word 'gross' to correct the reference to be consistent with other rules in this element (**Item 1**).

**B. Multi-unit Housing Development Code**

Part B, Element 6.4 – Contamination, correct the misprint C25. It should read C42 (**Item 2**).

**C. Multi-unit Housing Development Code R81 c)**

The wording for Rule R81 c) has not been translated accurately into the new Territory Plan. In the former Territory Plan, it was a mandatory requirement that a minimum of one car parking space per dwelling be covered. The wording in the new Territory Plan has made it optional by erroneously adding the words ‘capable of being’ in R81 (c). The words ‘capable of being’ are proposed to be deleted from R81 c) (**Item 3**).

**D. Urban Open Space Zone – PRZ1 – Development Table – additional developments**

A pre school was established several years ago on Block 2 Section 26 Reid and a Territory Lease was granted in 1995 for the site. Under the previous Territory Plan this site was covered by the Urban Open Space Land Use Policy, which did not prohibit educational establishments. Under the current Territory Plan the site is located in PRZ1 – Urban Open Space Zone, which prohibits Educational establishments. Pre School is not defined separately in the Territory Plan, but is part of the common terminology for Educational establishment. Therefore it is proposed to include Educational establishment as a site specific additional development for Block 2 Section 26 Reid (**Item 4**).

**E. Non-Urban Zones NUZ1 – Broadacre Zone Development Table**

Include Recycling Facility and Recyclable materials collection in the Development Table for additional developments that may be approved for Block 2114 Jerrabomberra (**Item 5**). The recycling facility and recyclable materials collection are existing uses on this block and were permitted to achieve the additional objective for the site under the previous Territory Plan.

**F. Non-Urban Zones NUZ3 – Hills, Ridges and Buffer Zone Development Table**

Include Recycling Facility and Recyclable materials collection in the Development Table for additional developments that may be approved for Block 1586 Belconnen (**Item 6**). The recycling facility and recyclable materials collection are existing uses on this block and were permitted to achieve the additional objective for the site under the Previous Territory Plan.

**G. Definition for ‘Minor Use’ Part A**

Delete the word ‘unleased’ from the Definition for ‘Minor Use’ as this was an unintentional inclusion when the term was varied through V2008-05 (**Item 7**).

**H. Definition for ‘Subdivision’ Part A**

In the definition for Subdivision, underline ‘Planning and Development Act 2007’ to be consistent with other definitions in Part A (**Item 8**).

**I. Definition for ‘Front loading Block’ Part B**

Amend the definition for ‘Front loading block’ to read: Front loading block means a block where vehicular access is not obtained from a rear lane (**Item 9**). This removes any inconsistency with the ‘Front boundary’ definition.

**J. Definition for ‘Rear loading block’ Part B**

Amend the definition for ‘Rear loading block’ to read: Rear loading block means a block where vehicular access is obtained from the rear lane (**Item 10**). This removes any inconsistency with the ‘Front boundary’ definition.

### 3. ERROR VARIATION

#### Variation to Single Dwelling Housing Development Code

**1 Single Dwelling Housing Development Code Part C(1) R53**

*Insert after ‘ increase the’*

gross

#### Variation to Multi-Unit Housing Development Code

**2 Multi Unit Housing Development Code Part B Element 6.4 - Contamination**

*Omit ‘C25’ and insert*

C42

**3 Multi Unit Housing Development Code Part C(1) R81 c)**

*Omit after ‘is’*

capable of being

#### Variation to Open Space Zone Development Table

**4 PRZ1- Urban Open Space Zone Development Table – Minimum Assessment Track Merit – Additional Development**

*Insert a new row in the Table for additional developments above the row starts with ‘Woden Cemetery’*

Reid Section 26 Block 2	Educational Establishment	Community Facility Zone Development Code
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## Variation to NUZ1 - Broadacre Zone Development Table

### 5 NUZ1 – Broadacre Zone Development Table – Minimum Assessment Track Merit - Additional Development

*Insert under Additional Development column, between Land fill site and Waste transfer station, against site identifier Jerrabomberra Block 2114 (Figure 4)*

Recycling facility  
Recyclable materials collection

## Variation to NUZ3 - Hills, Ridges and Buffer Zone Development Table

### 6 NUZ3 – Hills, Ridges and Buffer Zone Development Table – Minimum Assessment Track Merit - Additional Development

*Insert under additional development column, after Land fill site, against site identifier Belconnen Block 1586 (Figure 1)*

Recycling facility  
Recyclable materials collection

## Variation to Definitions

### 7 Part A – Definitions of Development – correction of definition for Minor Use

*Omit after ‘the use of’*

unleased

### 8. Part A – Definitions of Development – definition for Subdivision

*Omit Planning and Development Act 2007 under the ‘Development’ column and insert*

Planning and Development Act 2007



**9. Part B – Definitions of Terms – Front loading block**

*Omit definition and insert*

**Front loading block** means a block where vehicular access is not obtained from a rear lane.

**10. Part B – Definitions of Terms – Rear loading block**

*Omit definition and insert*

**Rear loading block** means a block where vehicular access is obtained from a rear lane.

## 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, čempel:
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 ihtiyacınız 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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