

# Planning and Development (Technical Amendment—North Wright) Plan Variation 2017

Notifiable Instrument NI2017—277

Technical Amendment No 2017-10

made under the

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

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**1 Name of instrument**

This instrument is the *Planning and Development (Technical Amendment—North Wright) Plan Variation 2017*.

**2 Technical amendment**

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

**3 Commencement**

This instrument commences on the day after its notification day.

**4 Meaning of *North Wright plan variation***

For this instrument:

***North Wright plan variation*** means the technical amendment to the Territory plan, variation 2017-10, in the schedule.

Brett Phillips  
Delegate of the planning and land authority  
31 May 2017



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Planning & Development Act 2007

# **Technical Amendment to the Territory Plan Variation 2017-10**

North Wright – Coombs and Wright Concept Plan

May 2017

Final version

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# 1. INTRODUCTION

## 1.1 Purpose

This technical amendment varies criterion C20 of the Coombs and Wright Concept Plan in the Territory Plan written document to reduce the minimum area of residential RZ5 High Density zone in North Wright.

## 1.2 Public consultation

Under section 87 of the *Planning and Development Act 2007* (the Act) this type of technical amendment was subject to limited public consultation.

Written comments were invited from 21 April 2017 until **Monday 22 May 2017**.

Written comments for **TA2017-10** were invited to be submitted in one of the following ways:

- Via email [ta.comments@act.gov.au](mailto:ta.comments@act.gov.au)
- In person during business hours  
Territory Plan Section  
Environment, Planning and Sustainable Development Directorate  
Customer Service Centre  
16 Challis Street, DICKSON
- Via post  
Territory Plan Section  
Environment, Planning and Sustainable Development Directorate  
GPO Box 158  
CANBERRA ACT 2601

No consultation comments were received during the consultation period.

## 1.3 National Capital Authority

The National Capital Authority (NCA) is required to be notified of the technical amendment. NCA was notified of the technical amendment on 21 April 2017 and it responded with nil comment on 2 May 2017.

## 1.4 Process

Comments received from the public and the National Capital Authority will be taken into account before the planning and land authority “makes” the technical amendment under section 89 of the Act. The planning and land authority must then notify the public of its decision.

## 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.

Following each item in Part 2 Explanation of this technical amendment is a statement of compliance against the specific criteria for the relevant category of technical amendment.

TA2017-10 was prepared in accordance with sections 87(2)(a) of the Act.

## 2. EXPLANATION

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 *Planning and Development Act 2007*.

### 2.1 Background

The land subject to this technical amendment is part of Wright section 52 within a Future Urban Area. It is referred to as precinct T in the Coombs and Wright Concept Plan, which identifies the site as an area of RZ5 high density residential zone with frontage to John Gorton Drive.



Figure 1 Location plan RZ5 high density zone North Wright

Criterion C20 in the concept plan requires a land use plan be submitted with the Estate Development Plan showing an area of RZ5 zone of 'not less than 1.6ha'. Given the configuration of the RZ5 zone, it is not possible to meet the 1.6ha in C20.

### 2.2 Changes to the Coombs and Wright Concept Plan

As North Wright is subject to an FUA overlay, a technical amendment to change the Coombs and Wright concept plan is required to enable the estate planning to proceed.

#### 2.2.1 Coombs and Wright Concept Plan changes

The change to the concept plan for Precinct T involves amending criterion C20 to reflect reduction in minimum hectares required for RZ5 high density residential zoned land from 1.6ha to 1.0ha.

### Existing C20

Rules	Criteria
R20 The land use plan submitted with an EDP is in accordance with figure 4.	C20 <b>Precinct T</b> Subject to the identification of precincts and key roads in accordance with elements 2 and 3, and to the zoning of land that is not in a future urban area, the land use plan submitted with an EDP shows in precinct T, RZ5, not less than 1.6ha, consistent with the desired planning outcome (b).

### Proposed C20

Rules	Criteria
R20 The land use plan submitted with an EDP is in accordance with figure 4.	C20 <b>Precinct T</b> Subject to the identification of precincts and key roads in accordance with elements 2 and 3, and to the zoning of land that is not in a future urban area, the land use plan submitted with an EDP shows in precinct T, RZ5, not less than 1.0ha, consistent with the desired planning outcome (b).

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

Section	Statement
s87(2)(a) a variation (a code variation) that – (i) would only change a code (ii) is consistent with the policy purpose and policy framework of the code; and (iii) is not an error variation.	Compliant. The change to criterion C20 in the concept plan enables development of RZ5 high density residential in precinct T consistent with the code's intended purpose. The change is not the correction of an error.

### 3. TECHNICAL AMENDMENT

This section of the technical amendment document provides the actual instructions to vary the Territory Plan.

#### 3.1 15.11 Coombs and Wright concept plan

##### 1. Part A – Land use; Element 1: Land use plan

*Substitute C20*

Rules	Criteria
R20 The land use plan submitted with an EDP is in accordance with figure 4.	C20 <b>Precinct T</b> Subject to the identification of precincts and key roads in accordance with elements 2 and 3, and to the zoning of land that is not in a future urban area, the land use plan submitted with an EDP shows in precinct T, RZ5, not less than 1.0ha, consistent with the desired planning outcome (b).



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