

Planning and Development (Technical Amendment—Lawson) Plan Variation 2017 (No 1)

Notifiable instrument NI2017—354

Technical Amendment No 2017-13

made under the

Planning and Development Act 2007, s 89 (Making technical amendments) and s 90A (Rezoning—boundary changes)

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Lawson) Plan Variation 2017 (No 1)*.

2 Technical amendment

I am satisfied under section 89 (1) (a) of the *Planning and Development Act 2007* (the *Act*) that the Lawson 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 *Lawson plan variation*

For this instrument:

Lawson plan variation means the Technical Amendment to the Territory Plan, Variation 2017-13, in the schedule.

Note: No consultation was required in relation to the Lawson plan variation under section 87 of the Act.

Brett Phillips
Delegate of the planning and land authority
30 June 2017



ACT
Government

Environment, Planning and
Sustainable Development

Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2017-13

Rezoning – boundary changes

June 2017

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1. INTRODUCTION

1.1 Purpose

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

Territory Plan Map

- Realign the boundaries of the NUZ3 zone on Block 1 Section 47 Lawson.

1.2 Public consultation

Under section 87 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 *Planning and Development Act 2007* (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.

TA2017-13 has been prepared in accordance with section 87 (1) (b).

In Part 2 Explanation of this technical amendment there is a statement of compliance against the specific criteria for the relevant category of technical amendment.

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 Act.

2.1 Background

Block 1 Section 47 Lawson was zoned RZ1 – Suburban and NUZ3 – Hills Ridges and Buffer as detailed in the Estate Development Plan approved 21 March 2013. As a result, zoning on Block 1, Section 47 Lawson does not currently align within the block boundary and therefore both RZ1 – Suburban zone and NUZ3- Hills Ridges and Buffer zone reside over it.

Since then, the land custodian (LDA) has advised that residential development isn't proposed or suitable on this block due to its size, configuration, restricted access, and due to the high pressure gas main and 11kV transmission lines which also traverse the block. There is also potential presence of asbestos containing material from a sub-surface asbestos water pipe which cannot be fully remediated without significantly impacting on an existing grove of trees

Transport Canberra and City Services and the Environment Protection Authority have agreed to a Long Term Environmental Management Plan over this land providing it is zoned for open space purposes. A NUZ3 zone under the provisions of the Territory Plan, would meet these requirements.

2.2 Changes to the Territory Plan Map

In accordance with section 90A of the *Planning and Development Act 2007* this technical amendment will realign the boundaries of the NUZ3 zone on Block 1 Section 47 Lawson.

The planning and land authority has been advised to make the changes by the land custodian, the Land Development Agency (LDA).

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) Section 90A - | |
| (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). | This technical amendment proposes to adjust zoning on land which the Territory is the registered proprietor, and on unleased land on the eastern boundary of Lawson. |
| (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. | The proposed amendment is considered to be consistent with the apparent intent of the original respective zone boundary lines and the objective for the NUZ3 zone. It was not intended to develop this unleased Territory Land for residential purposes so there will be no effect of limiting the development of the Lawson area. This technical amendment will facilitate the achievement of the Zone Objectives without undue constraints by allowing a Long Term Environmental Management Plan to be established over the land |
| (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— (a) the authority is advised to do so by— (i) the conservator of flora and fauna; or (ii) the custodian of the land for the overlay; and (b) the conditions in subsection (2) (a) and (b) are satisfied. | The planning and land authority has been advised to make the changes by the land custodian (LDA). The conditions in subsection (2) (a) and (b) are satisfied as explained above. |
| (4) In this section: overlay means an overlay identified in the territory plan. | No overlays will be affected by this technical amendment. |

Existing Territory Plan Map



Proposed Territory Plan Map



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. Territory Plan Map

The Territory Plan map is varied as indicated below to realign the NUZ3 zone with the boundary of Block 1, Section 47.



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