

# Planning and Development (Technical Amendment—Whitlam) Plan Variation 2021 (No 2)

Notifiable instrument NI2021—607

Technical Amendment No 2021-13

made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Whitlam) Plan Variation 2021 (No 2)*\*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Technical amendment

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

## 4 Dictionary

In this instrument:

***error variation*** means the technical amendment to the Territory Plan, variation 2021-13, in the schedule.

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

Carolyn O'Neill  
Delegate of the planning and land authority  
13 October 2021

\*Name amended under Legislation Act, s 60



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Schedule

Planning & Development Act 2007

# **Technical Amendment to the Territory Plan Variation 2021-13**

Minor Amendments

October 2021

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# 1. INTRODUCTION

## 1.1 Purpose

This technical amendment makes the following changes to the Territory Plan *Whitlam Precinct Map and Code*

- Amend figures 1, 2, 3, 4, 6, 7 and 8 of the Whitlam Precinct Map and Code to include 'M – Nominated setback is mandatory' in the legend and add corresponding symbol in the figures.
- Amend Access Not Permitted on 2 blocks in figure 1 where this control was incorrectly applied.

## 1.2 Public consultation

Under section 87 (1) (a) 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 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.

TA2021-13 has been prepared in accordance with section 87 (1) (a) of the Act.

# 2. EXPLANATION

## 2.1 Background

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.

## 2.2 Variation to the Whitlam Precinct Map and Code

Figures 1, 2, 3, 4, 6, 7 and 8 of the Whitlam Precinct Map and Code show additional rules and criteria which apply to blocks in the division of Whitlam. When these provisions were transferred into the Whitlam Precinct Map and Code with TA2021-12, the text ‘M – Nominated setback is mandatory’ in the legend and the corresponding symbol in the figures was omitted.

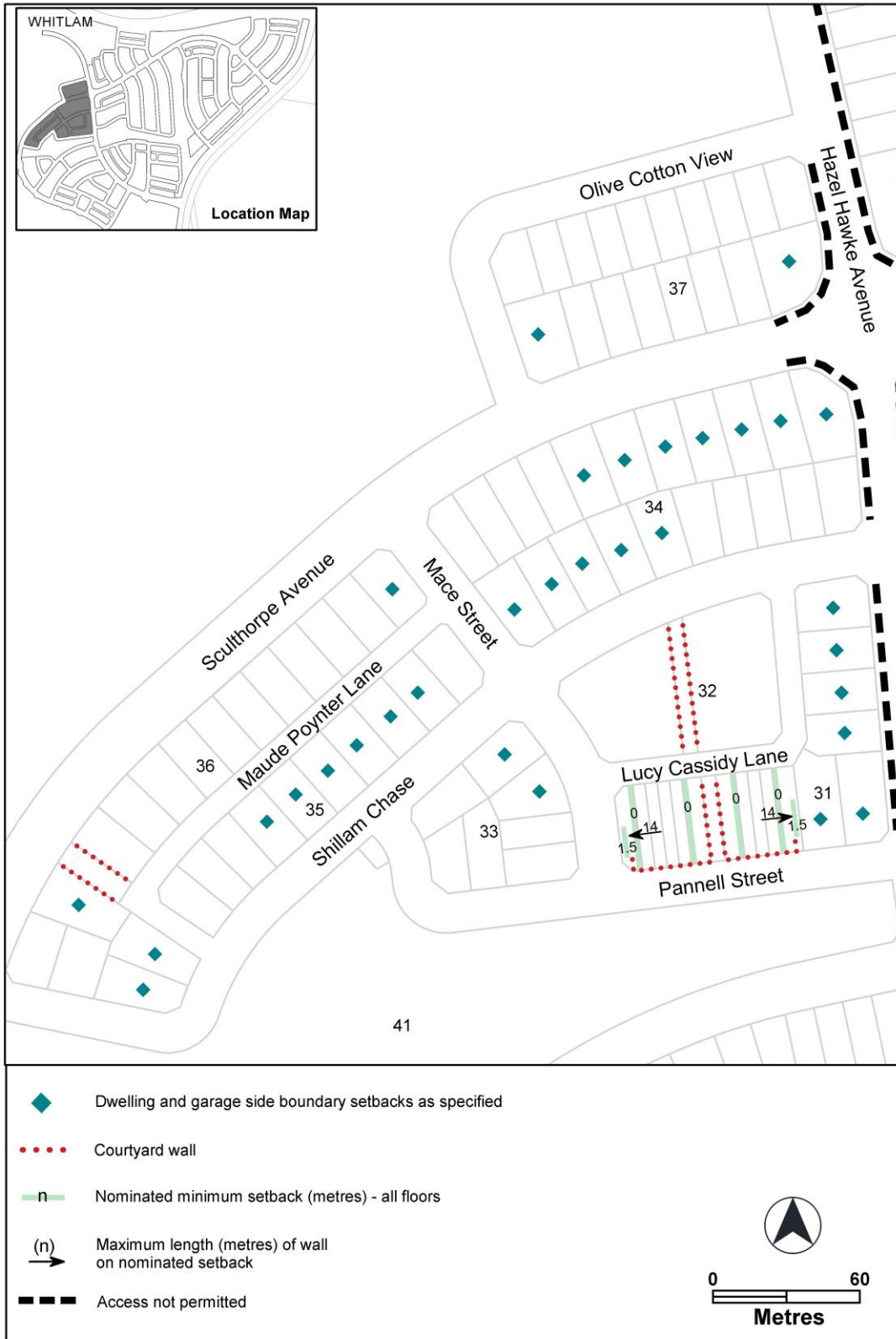
Also, when the Access Not Permitted provision was transferred in the Whitlam Precinct Map and Code with TA2020-06, it was inadvertently placed along the whole boundary of block 11 section 34 and block 11 section 37 instead of partially along the boundary to allow vehicular access.

This technical amendment seeks to rectify these omissions by including ‘M – Nominated setback is mandatory’ in the legend and add the corresponding symbol in figures 1, 2, 3, 4, 6, 7 and 8 of the Whitlam Precinct Map and Code and amending the Access Not Permitted provision in figure 1 so that block 11 section 34 and block 11 section 37 can have vehicular access.

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

Section	Statement
<b>s 87 (1) (a)</b> (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;	Compliant. The change corrects a formal error by adding ‘M – Nominated setback is mandatory’ in the legend and add corresponding symbol in figures 1, 2, 3, 4, 6, 7 and 8 of the Whitlam Precinct Map and Code and amending the Access Not Permitted to allow vehicular access to blocks.

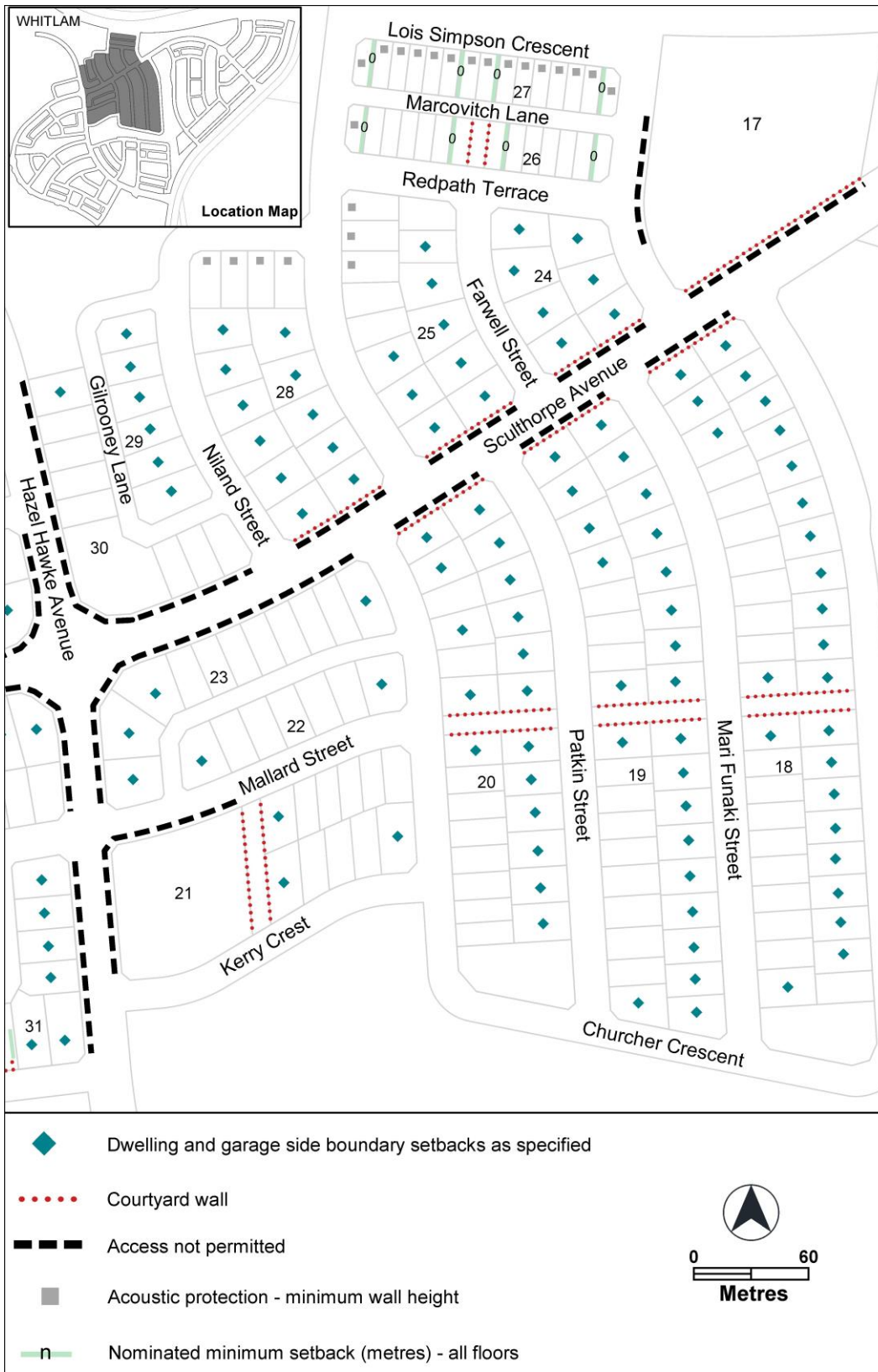
Current Figure 1 of the Whitlam Precinct Map and Code







Current Figure 2 of the Whitlam Precinct Map and Code



# Changes to Figure 2 of the Whitlam Precinct Map and Code



Current Figure 3 of the Whitlam Precinct Map and Code





# Changes to Figure 3 of the Whitlam Precinct Map and Code

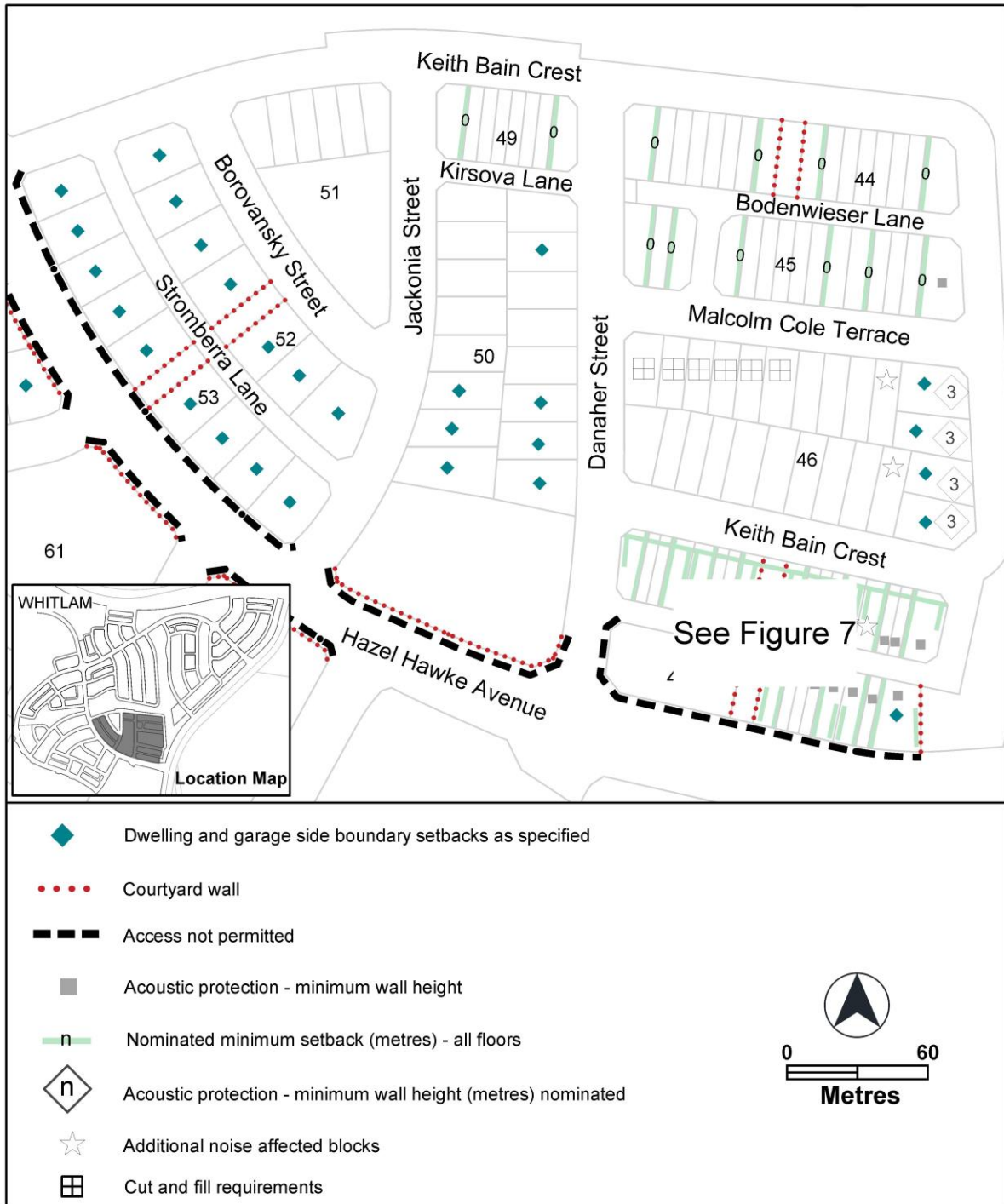


Current Figure 4 of the Whitlam Precinct Map and Code



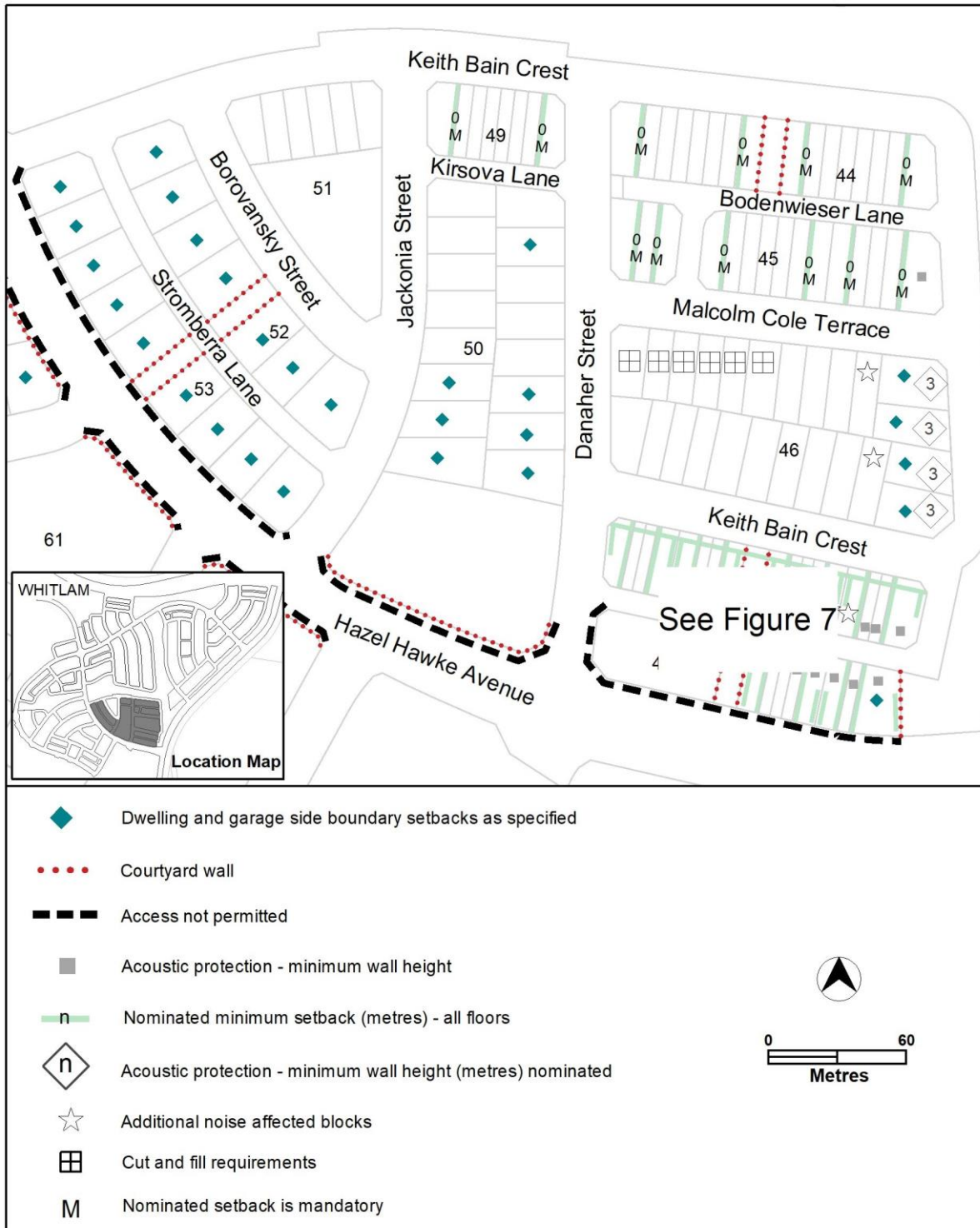


Current Figure 6 of the Whitlam Precinct Map and Code

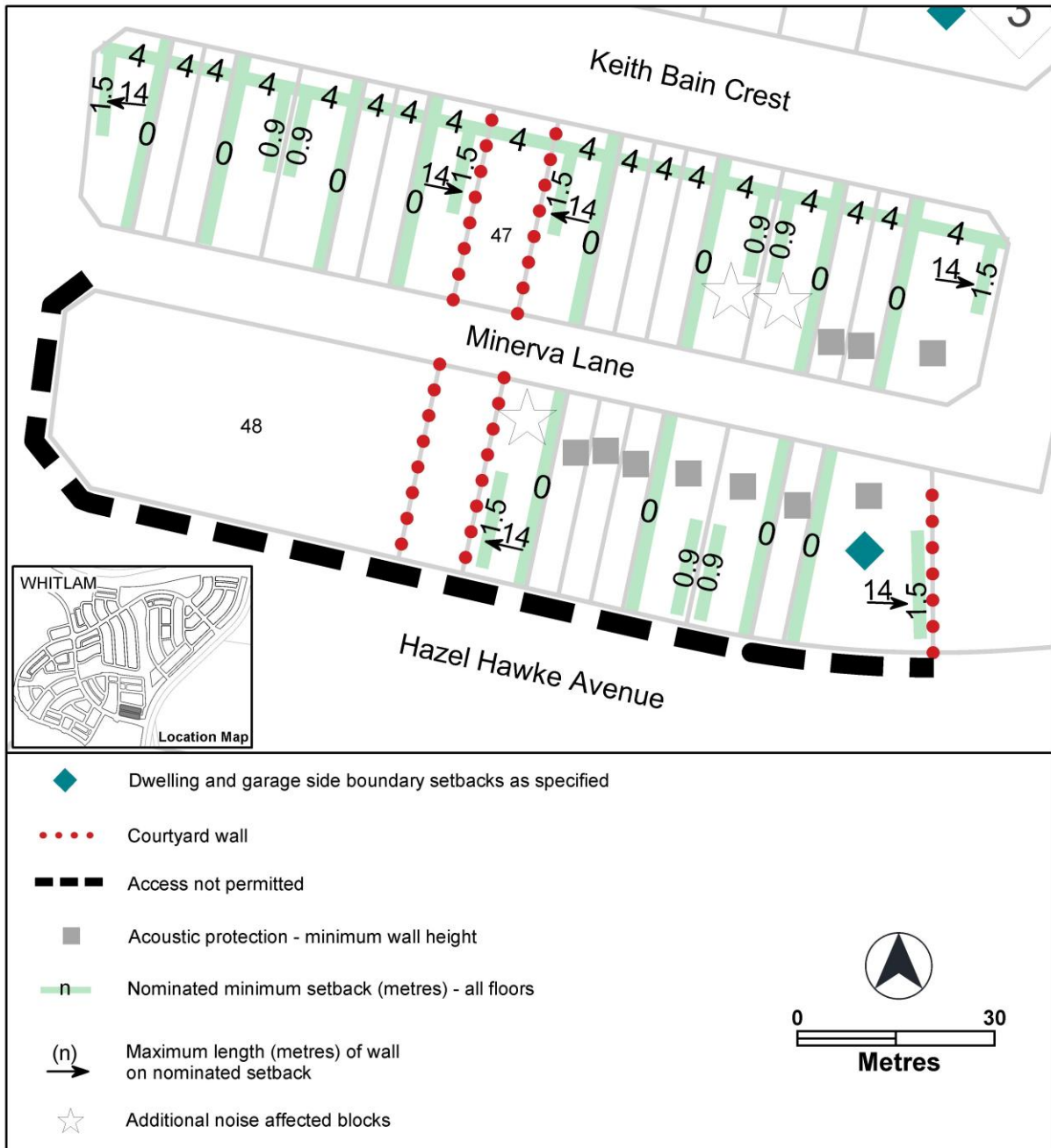




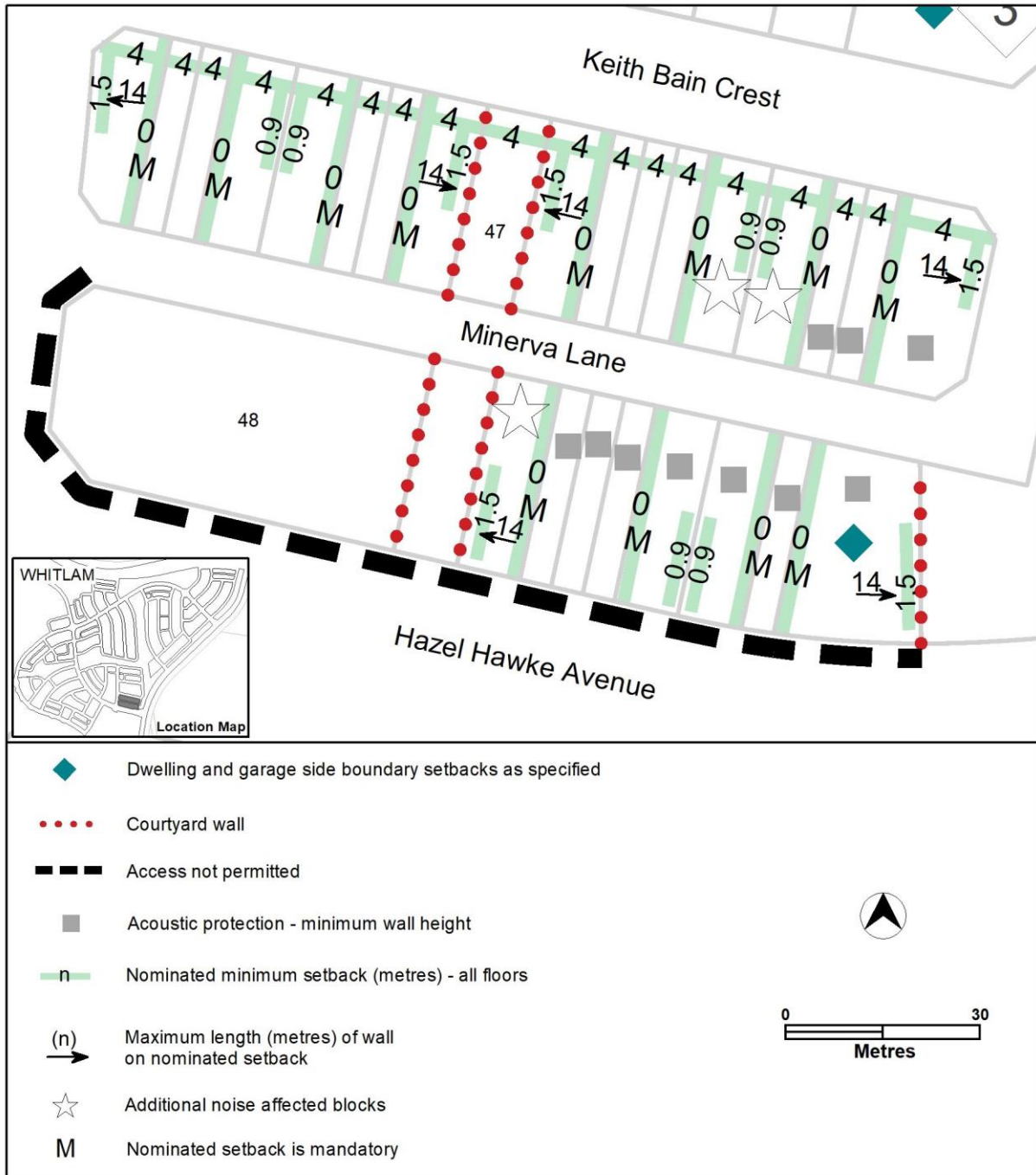
Changes to Figure 6 of the Whitlam Precinct Map and Code



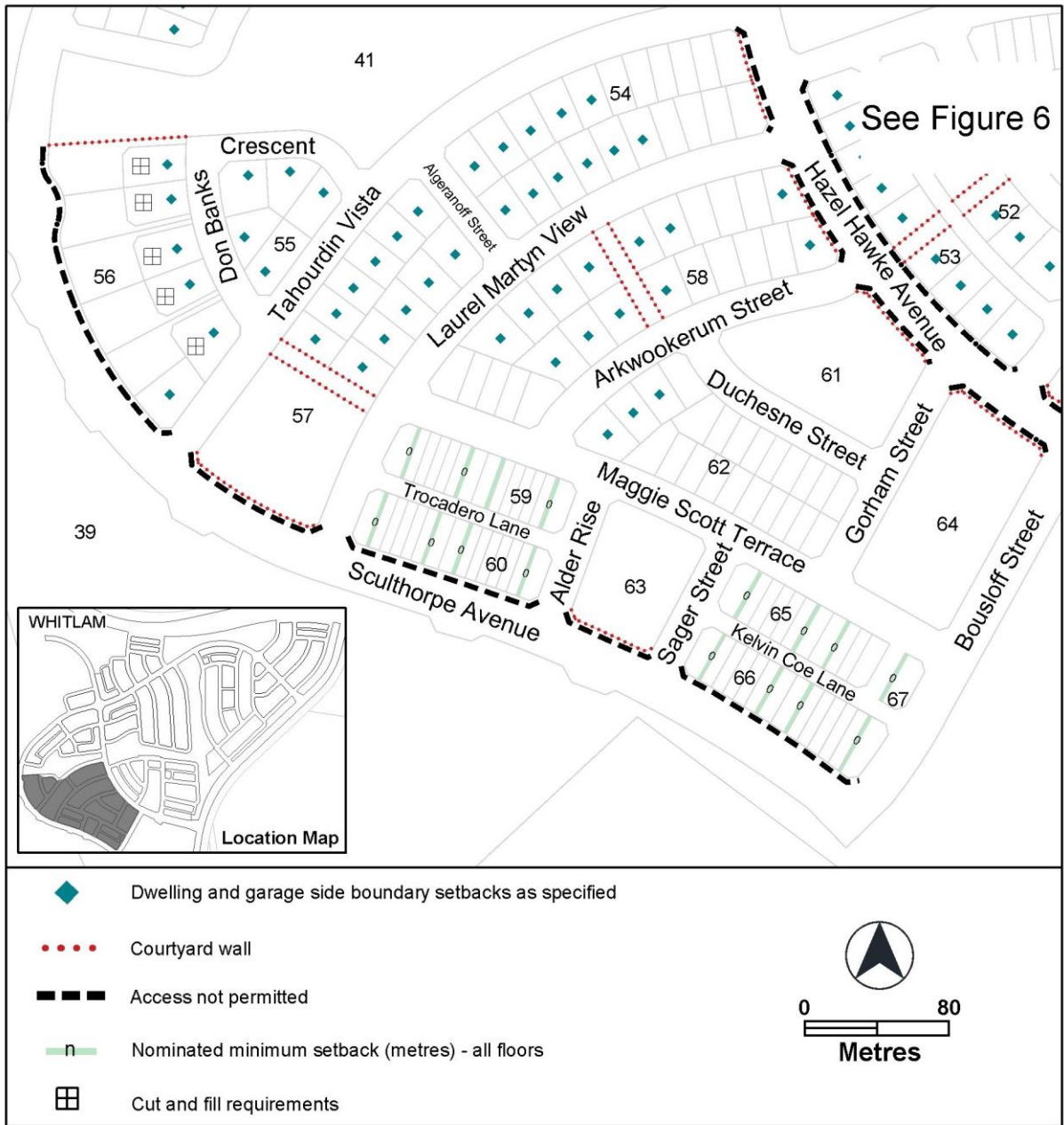
Current Figure 7 of the Whitlam Precinct Map and Code



Changes to Figure 7 of the Whitlam Precinct Map and Code

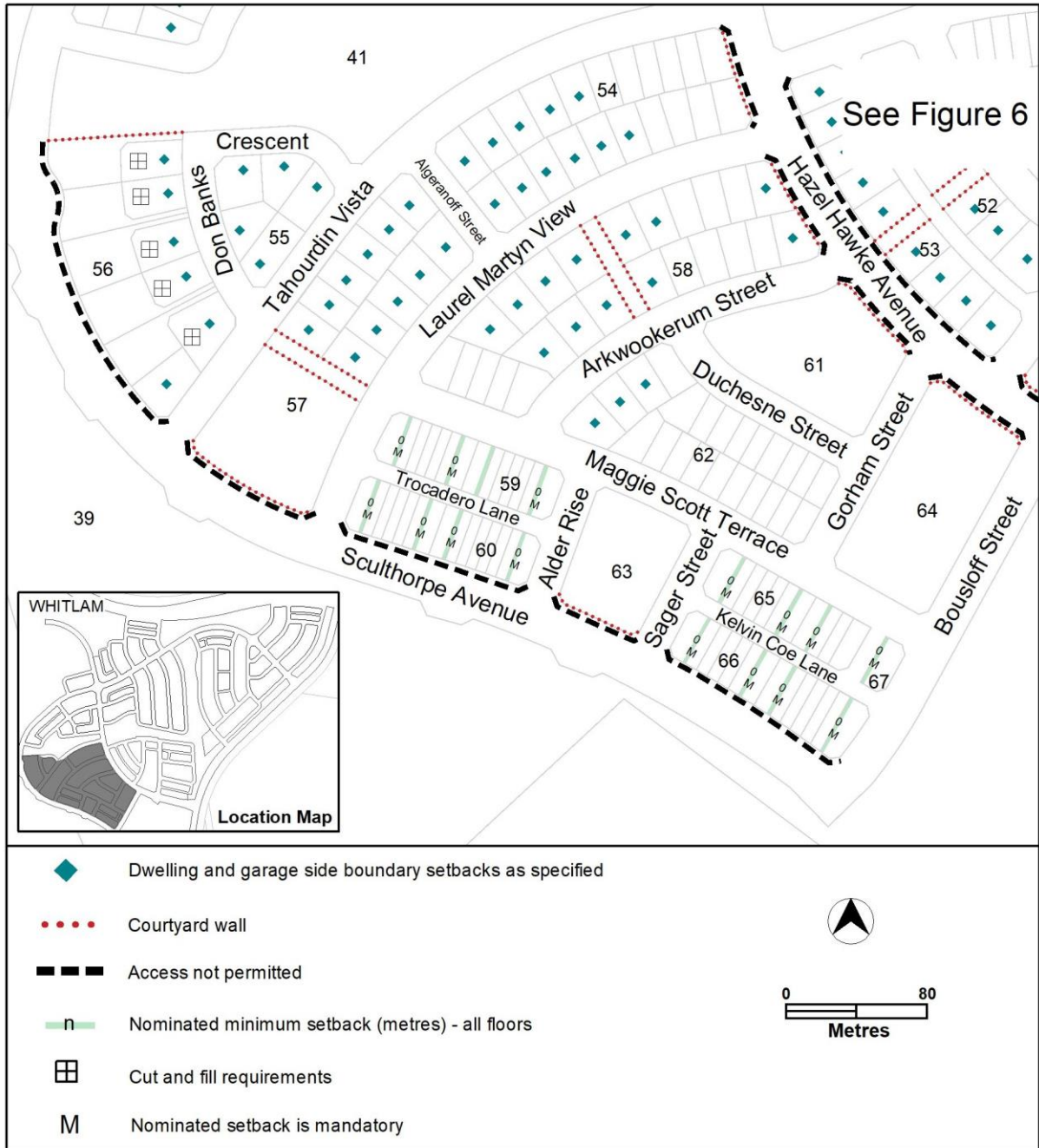


Current Figure 8 of the Whitlam Precinct Map and Code





Changes to Figure 8 of the Whitlam 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 Whitlam Precinct Map and Code

**1. Additional rules and criteria, RC1 – Whitlam Residential, Figure 1 Whitlam residential area 1**

*Substitute*



**2. Additional rules and criteria, RC1 – Whitlam Residential, Figure 2  
Whitlam residential area 2**

*Substitute*



**3. Additional rules and criteria, RC1 – Whitlam Residential, Figure 3  
Whitlam residential area 3**

*Substitute*





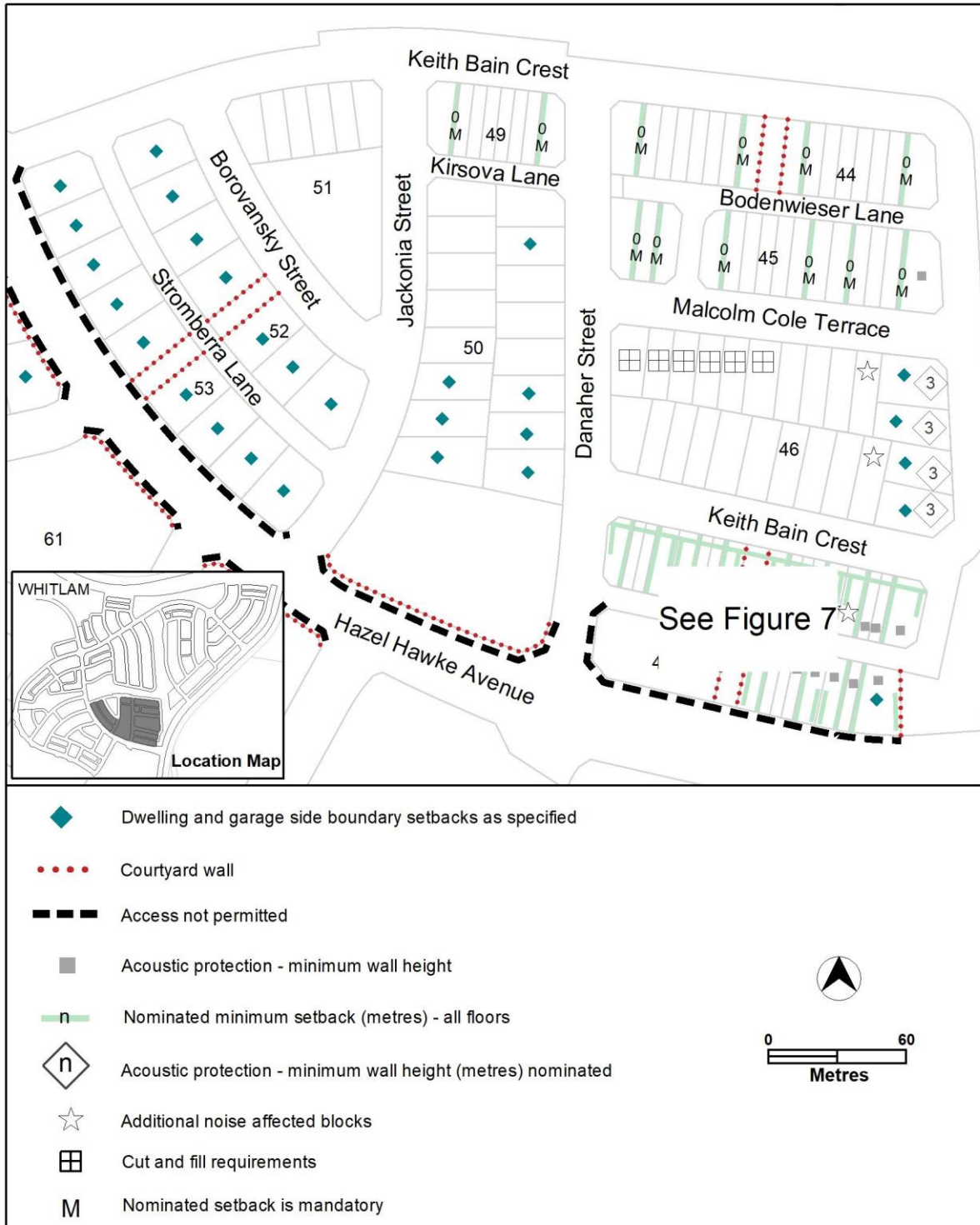
**4. Additional rules and criteria, RC1 – Whitlam Residential, Figure 4  
Whitlam residential area 4**

*Substitute*



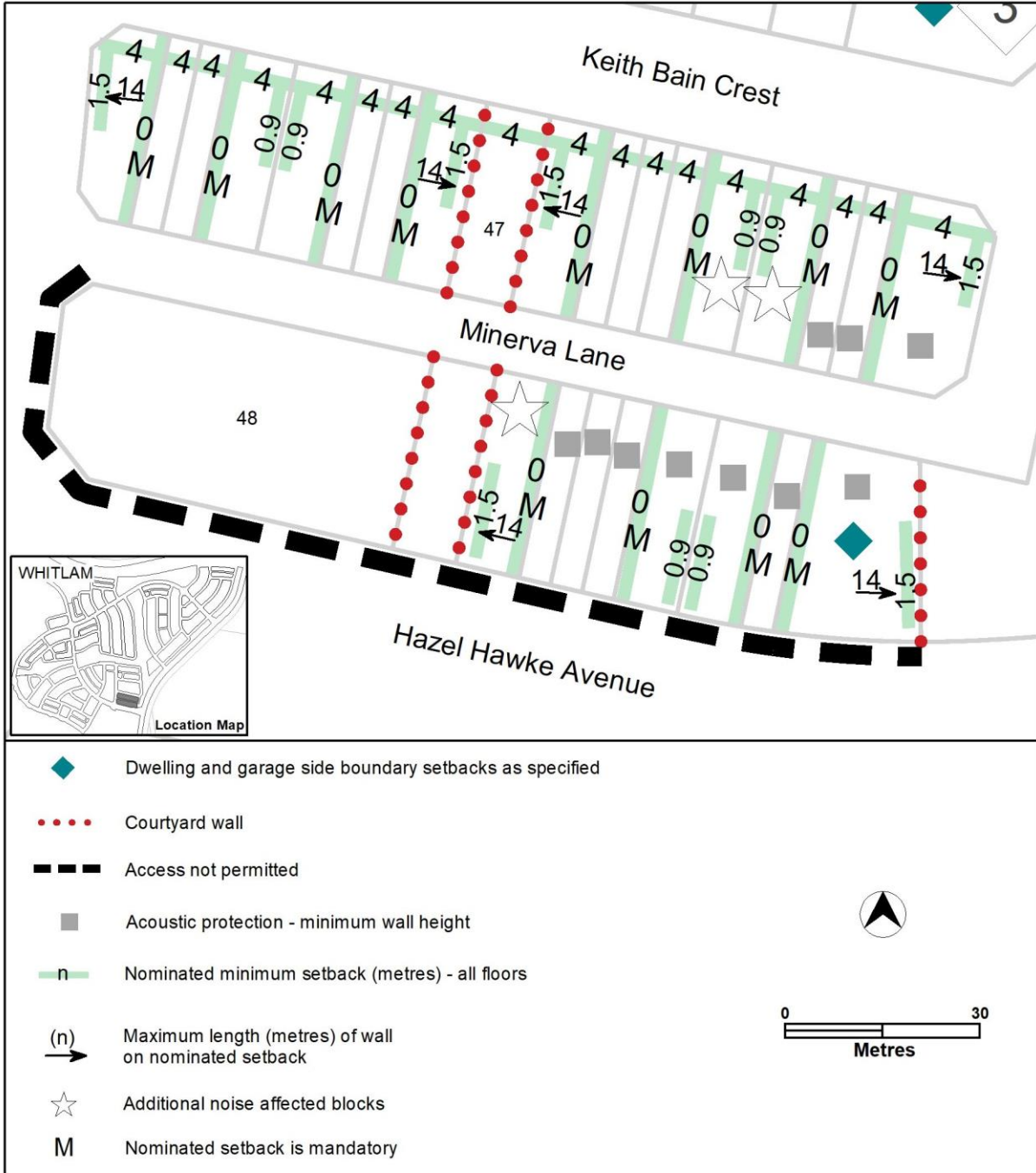
**5. Additional rules and criteria, RC1 – Residential Area, Figure 6 Whitlam residential area 6**

*Substitute*



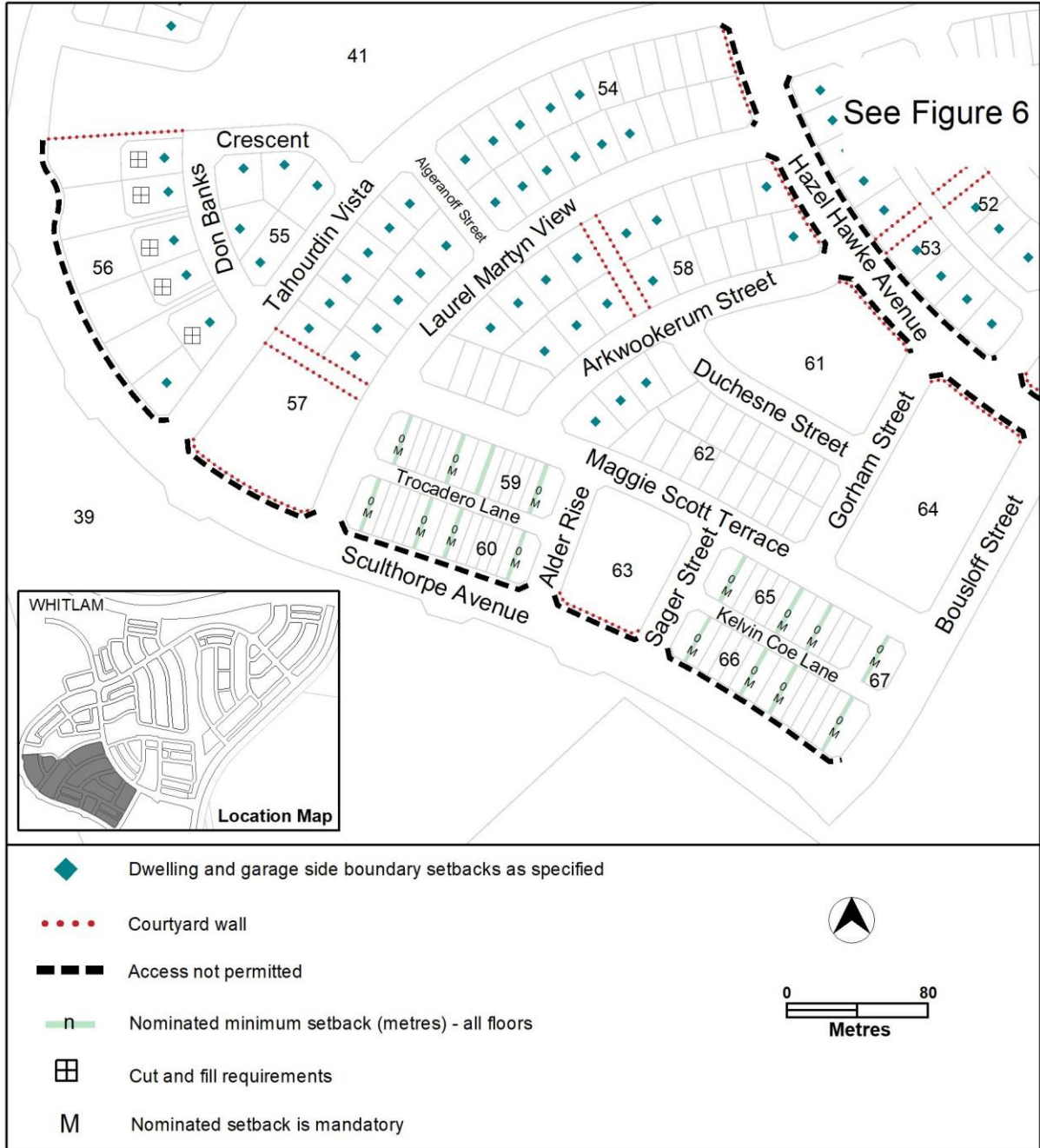
**6. Additional rules and criteria, RC1 – Residential Area, Figure 7 Whitlam residential area 7**

Substitute



**7. Additional rules and criteria, RC1 – Whitlam Residential, Figure 8  
Whitlam residential area 8**

*Substitute*



## Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية، إتصل برقم الهاتف:
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CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna 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:

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