

Planning and Development (Technical Amendment—Whitlam) Plan Variation 2022

Notifiable instrument NI2022—537

Technical Amendment No 2022-06

made under the

Planning and Development Act 2007, s 89 (Making technical amendments) and s 96 (Effect of approval of estate development plan)

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Whitlam) Plan Variation 2022 (No 1)*.

2 Commencement

This instrument commences on 28 October 2022.

3 Technical amendment

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

4 Dictionary

In this instrument:

Whitlam plan variation means the technical amendment to the Territory Plan, variation 2022-06, in the schedule.

Note No consultation was required in relation to the Whitlam plan variation under the Act, s 87.

Dianne Stewart
Delegate of the planning and land authority
25 October 2022



Planning & Development Act 2007

Technical Amendment to the Territory Plan Variation 2022-06

Future urban area variation and changes to
the Whitlam Precinct Map and Code

October 2022

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1. INTRODUCTION

1.1 Purpose

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

Territory Plan Map

- Varied to remove the future urban area overlay from land in the Division of Whitlam, as identified in Part 2 of this document

Whitlam Precinct Map and Code

- Figure 8 is corrected by adding a missing symbol for 'Nominated setback is mandatory' to the eastern boundary of section 59 block 8
- Amended to include additional rules and ongoing provisions, as described in Part 2 of this document

1.2 Public consultation

Under section 87 (1) (a) and (c) 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.

TA2022-06 has been prepared in accordance with section 87 (1) (a) and (c) of the Act.

2. EXPLANATION

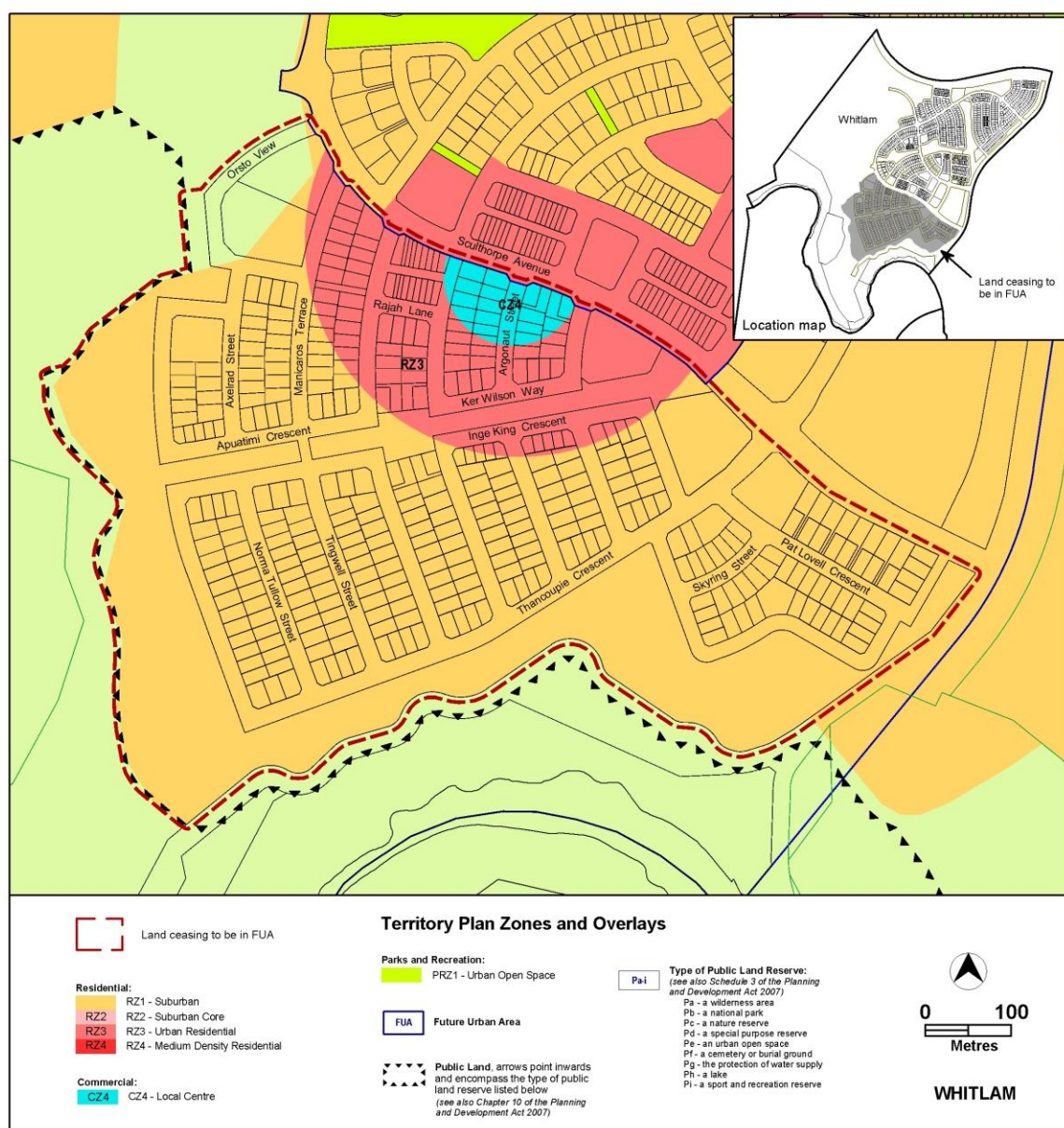
This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan Map

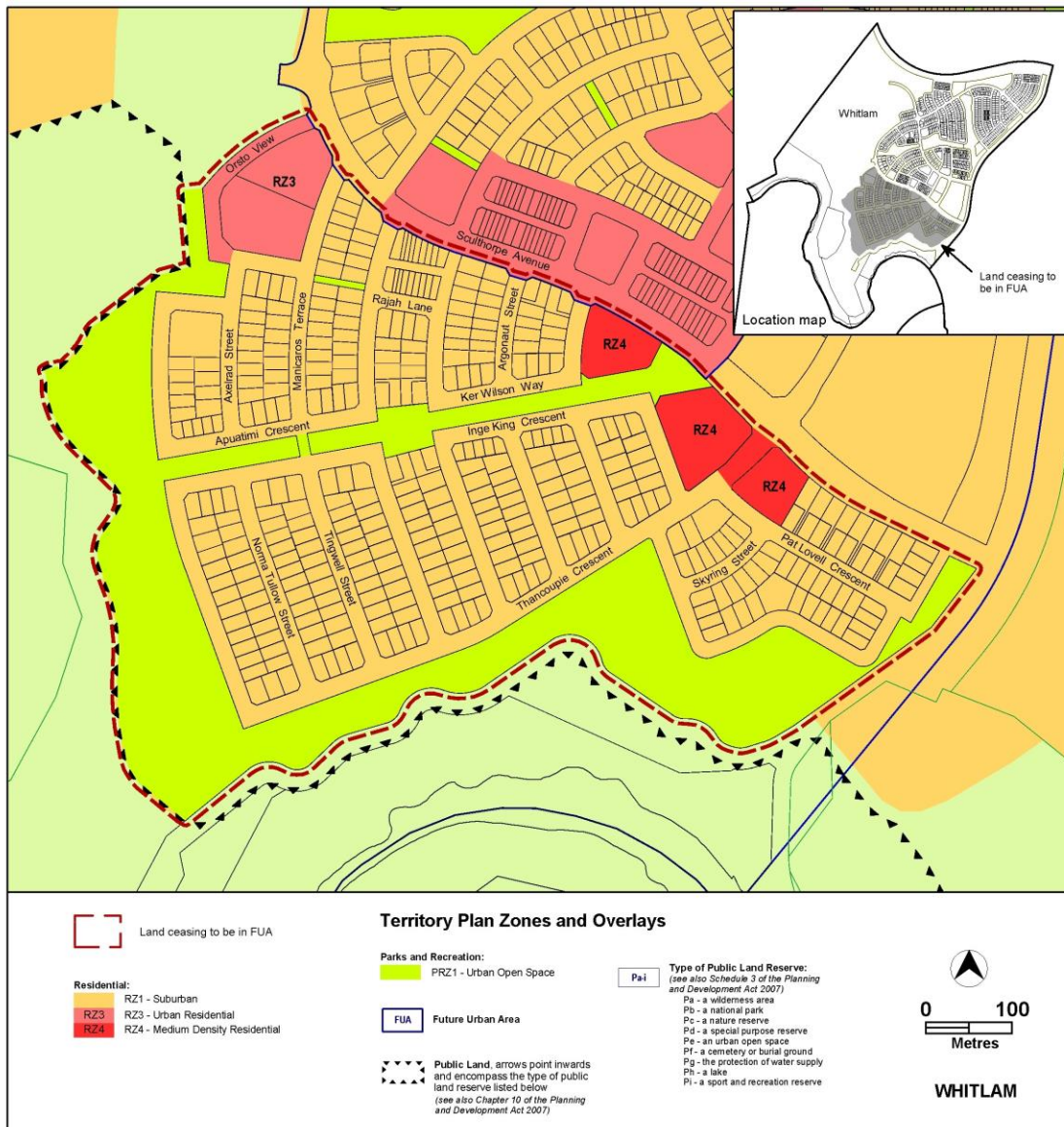
Variation to the Territory Plan

The Territory Plan map is varied to identify the zones and overlays that apply to land ceasing to be in a future urban area.

Existing Territory Plan Map



Proposed Territory Plan Map

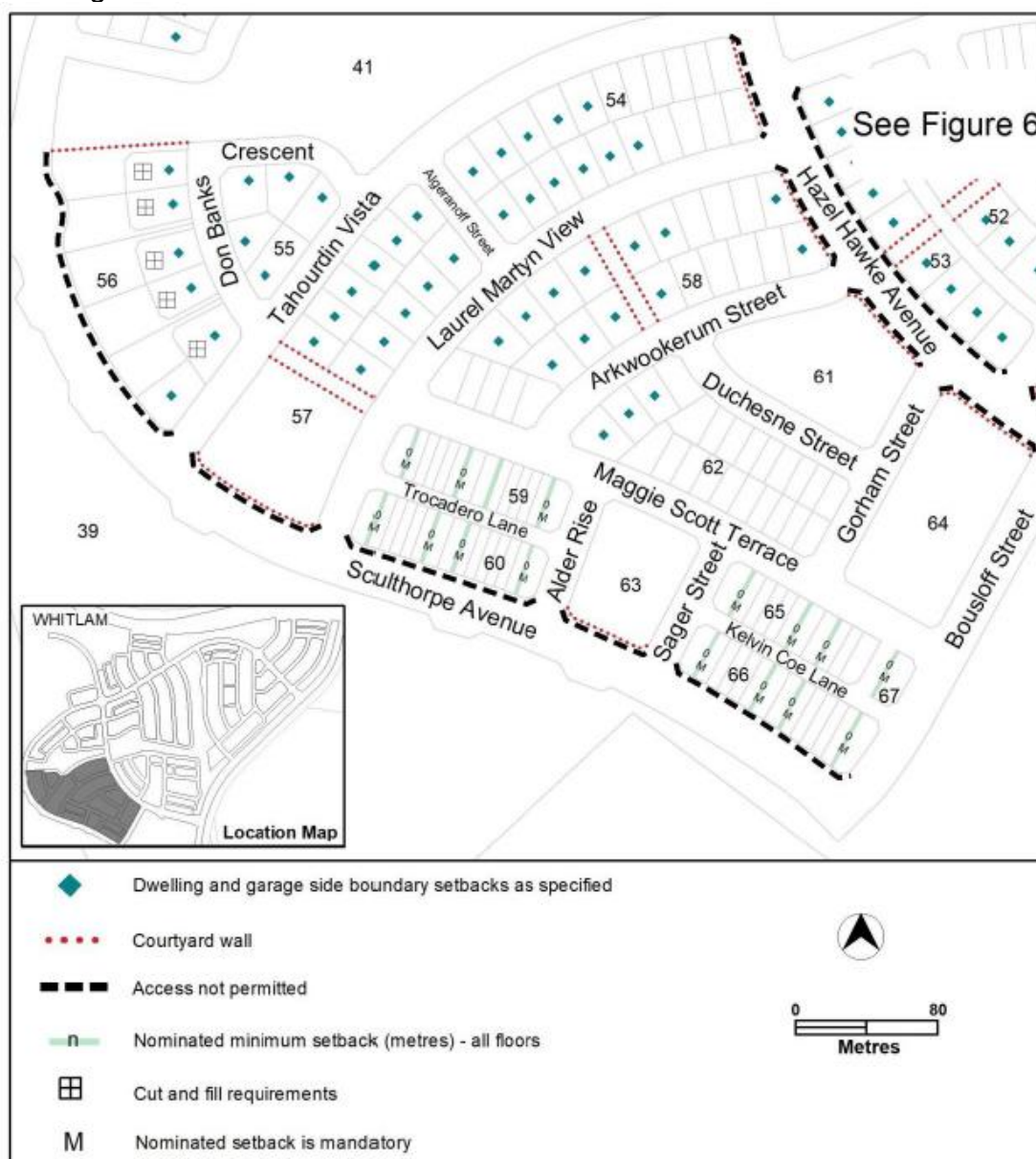


2.2 Whitlam Precinct Map and Code

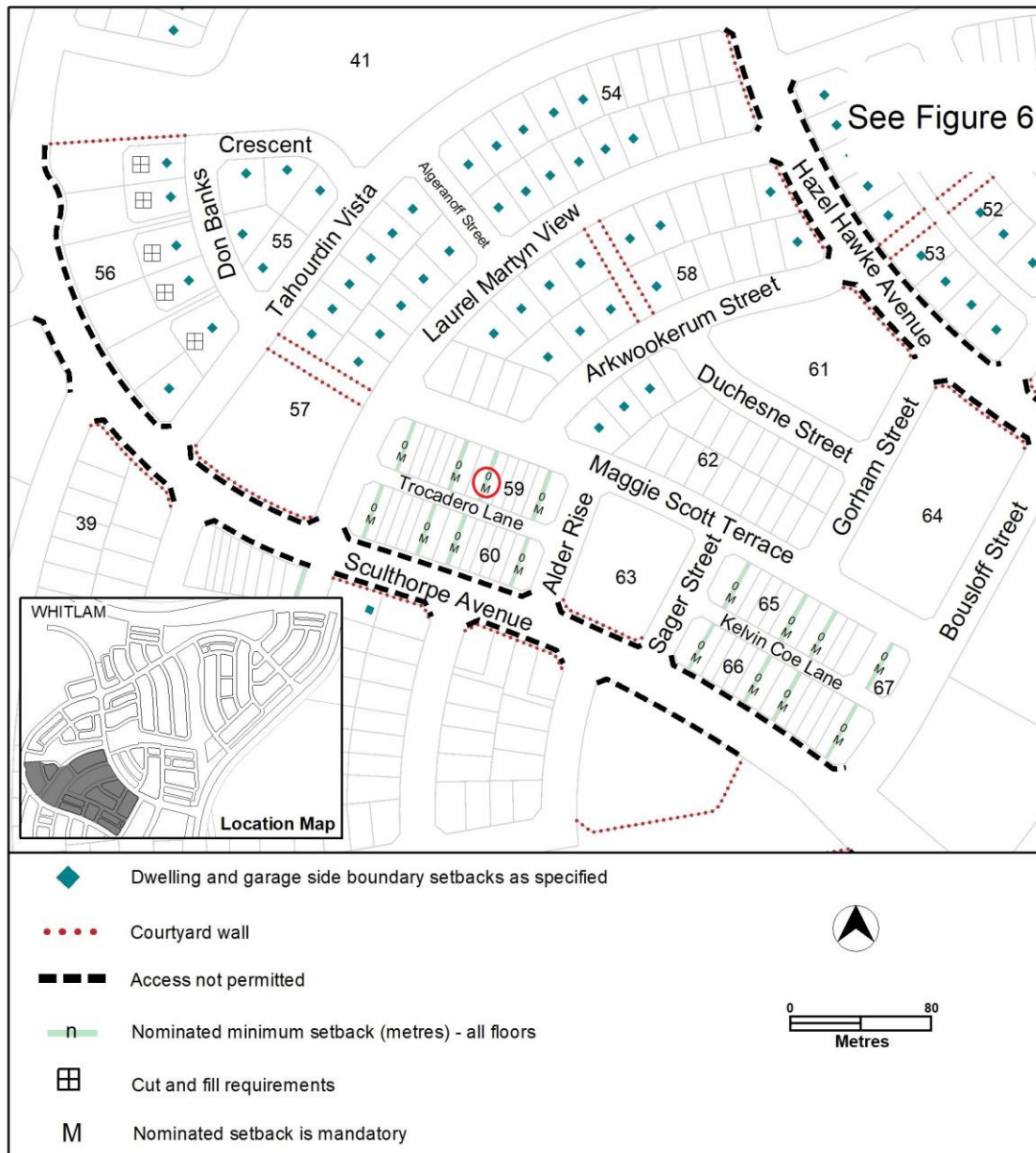
Variation to the Whitlam Precinct Map and Code

Technical amendment TA2021-12 made corrections to the Whitlam Precinct Map and Code, but the symbol 'M' denoting 'Nominated setback is mandatory' was inadvertently omitted to be added to section 59 block 8 in Figure 8. This technical amendment rectifies this omission.

Existing



Proposed (changes identified in red circle)



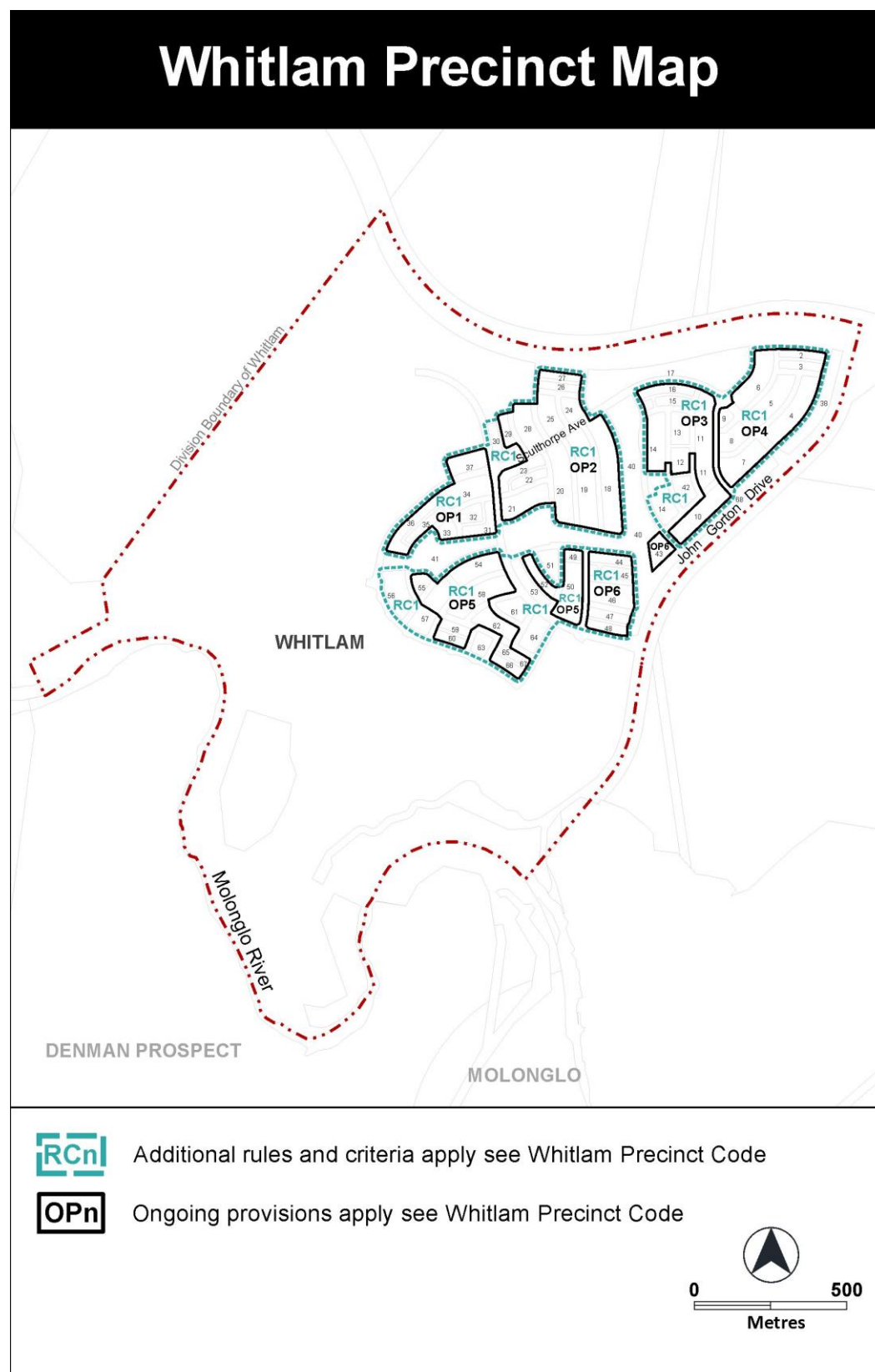
Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(a) (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 including the missing planning control in Figure 8 in the Whitlam Precinct Map and Code.

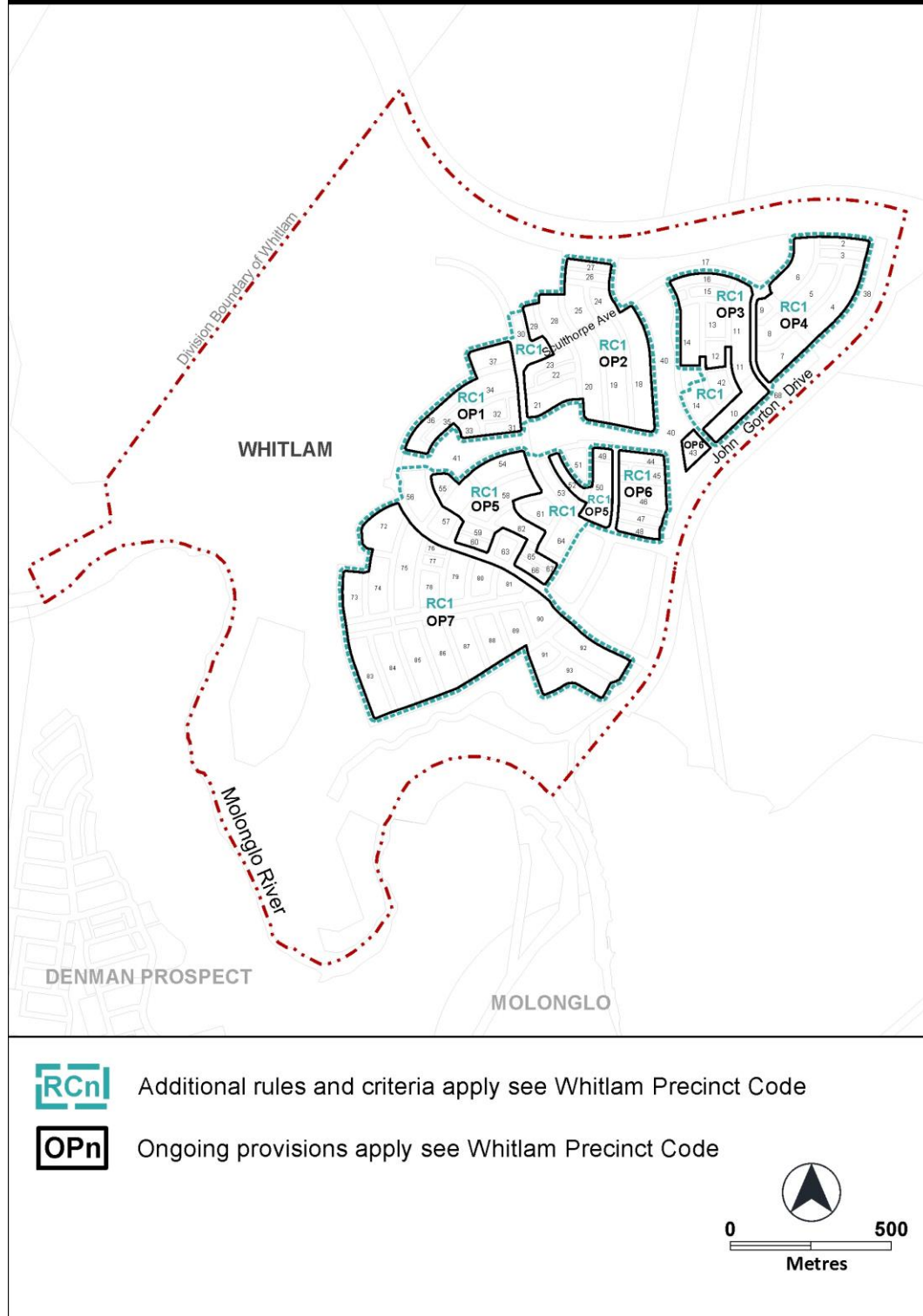
The Whitlam Precinct Map and Code is varied to incorporate rules and criteria and ongoing block specific provisions that are consistent with the approved estate development plan.

2.2.1 Whitlam Precinct Map

Existing Whitlam Precinct Map



Whitlam Precinct Map



2.2.2 Whitlam Precinct Code

This technical amendment makes the following changes to the Whitlam Precinct Map and Code:

- amends rules R1, R2, R4, R5, R7 and R8 to include reference to new Figure 8A
- corrects Figure 8 to include missing planning control on section 59 block 8
- inserts Figure 8A Whitlam residential area 9
- inserts Figure 15 residential area ongoing provisions

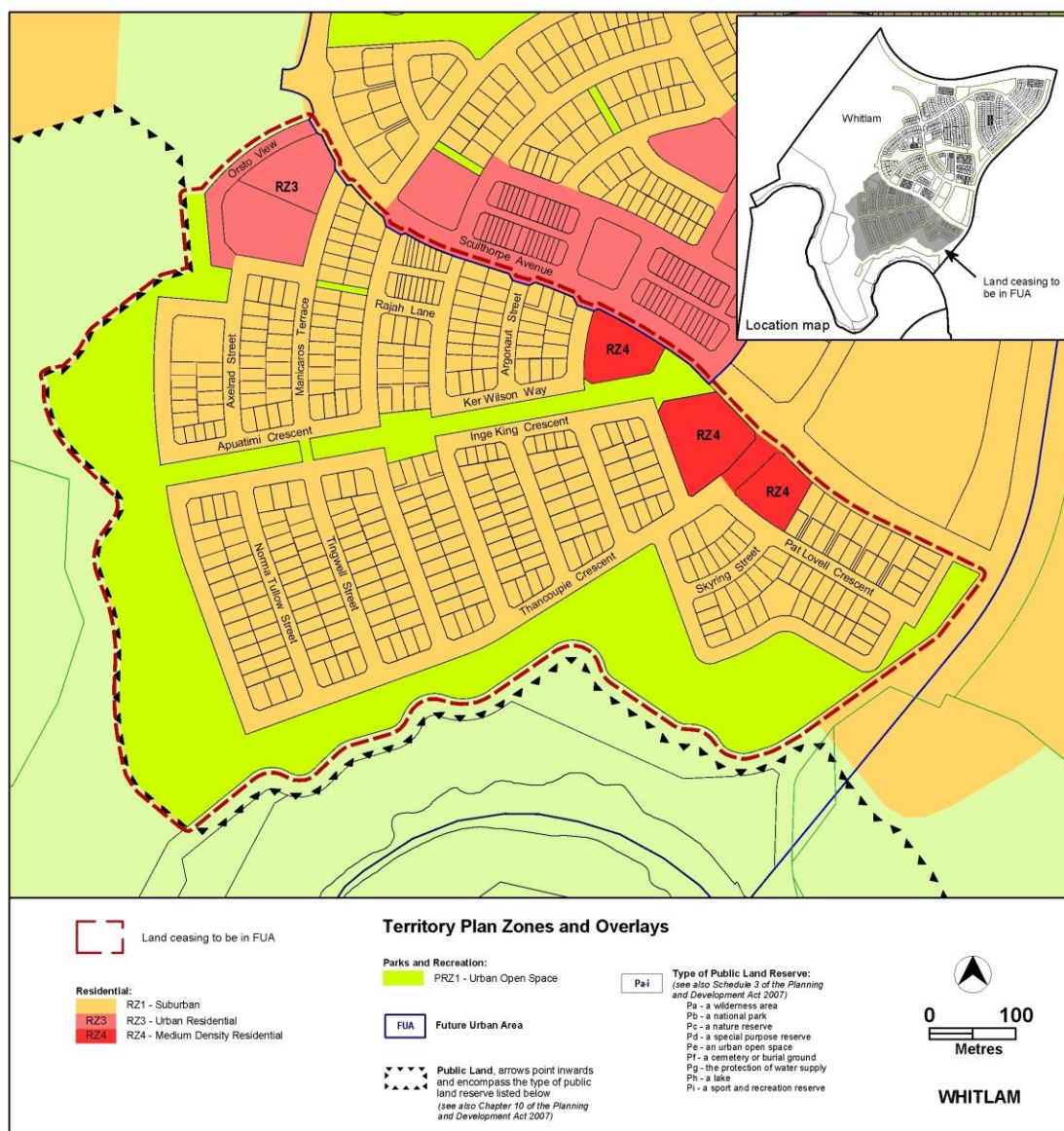
3. TECHNICAL AMENDMENT

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

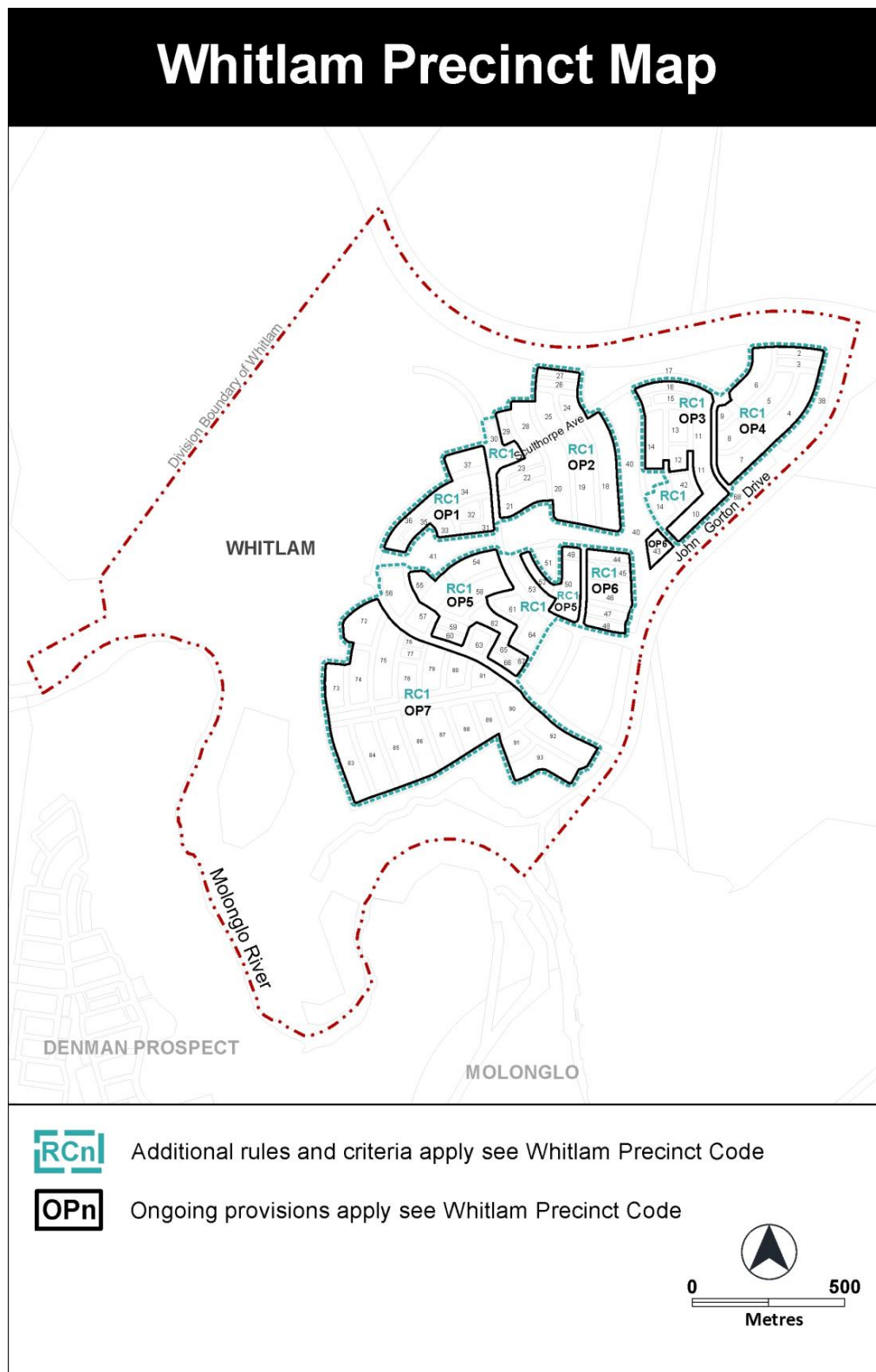
The Territory Plan map is varied as indicated below to identify the zones and overlays that apply to the land ceasing to be in a future urban area.



3.2 Whitlam Precinct Map and Code

2. Whitlam Precinct Map

Substitute



3. Additional rules and criteria, RC1 – Whitlam Residential, Element 1: Building and site Controls, 1.4 Setbacks, Rule R5

Insert after existing Rule R5

<p>R5A</p> <p>This rule applies to blocks or parcels in locations identified in Figure 8A.</p> <p>The exceptions to minimum front boundary setbacks in Tables 2C and 3C in the Single Dwelling Housing Development Code do not apply.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.5 Finished floor level	
<p>R5B</p> <p>This rule applies to blocks or parcels in locations identified in Figure 8A.</p> <p>Finished floor level of any dwelling entrance accessible from the front boundary must be no lower than the front boundary reduced level (RL) where the pathway from that entrance connects to the front boundary.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.6 Garage doors and carports	
<p>R5C</p> <p>This rule applies to blocks or parcels in locations identified in Figure 8A.</p> <p>Maximum total width of garage doors and external width of carports is the lesser of:</p> <ul style="list-style-type: none"> a) 6m b) 50% of the façade of the dwelling. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
1.7 Bushfire asset protection zone	
<p>R5D</p> <p>This rule applies to the area shown on blocks or parcels in locations identified in Figure 8A.</p> <p>Habitable structures are not permitted.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

**4. Additional rules and criteria, RC1 – Whitlam Residential, Element 1:
Building and site controls, 1.1 Courtyard walls, Rules R1, R2, R4 and R5**

omit

7 and 8

substitute

7, 8 and 8A

**5. Additional rules and criteria, RC1 – Whitlam Residential, Element 2:
Amenity, 2.2 Acoustic protection – front wall height, Rule R7**

omit

Figures 5 and 6

substitute

Figures 5, 6 and 8A

**6. Additional rules and criteria, RC1 – Whitlam Residential, Element 2:
Amenity, 2.3 Acoustic protection – additional noise affected blocks,
Rule R8**

omit

Figures 6 and 7

insert

Figures 6, 7 and 8A

**7. Additional rules and criteria, RC1 – Whitlam Residential, Element 1:
Building and site controls, Figure 8 Whitlam residential area 8**

Substitute

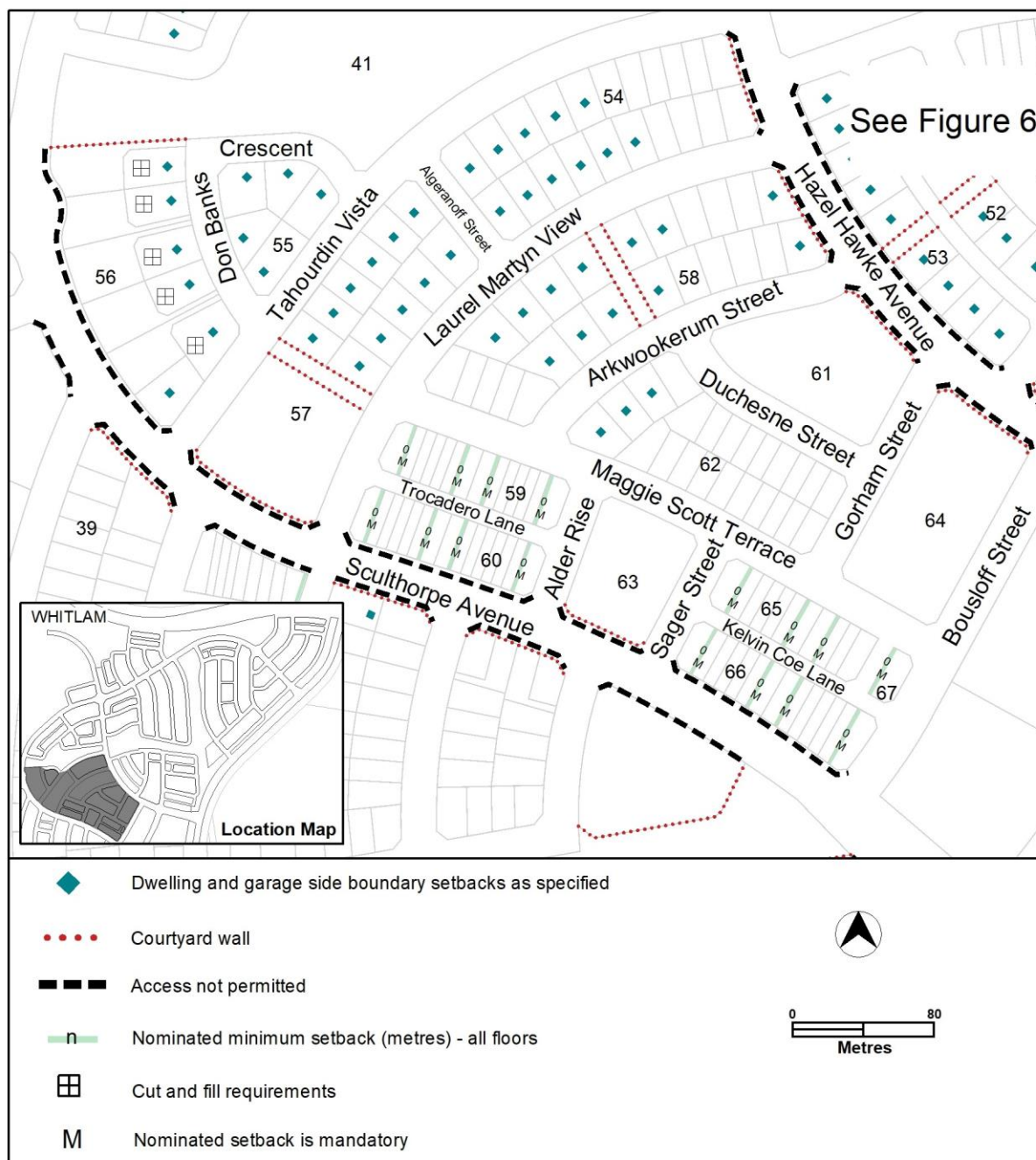


Figure 8 Whitlam residential area 8

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

insert after existing Figure 8



Figure 8A Whitlam residential area 9

9. Other ongoing provisions, OP6 – Whitlam residential area, Figure 14 Whitlam residential area ongoing provisions

insert after existing Figure 14

OP7 – Whitlam residential area

This part applies to blocks and parcels identified in area OP7 shown on the Whitlam Precinct Map.

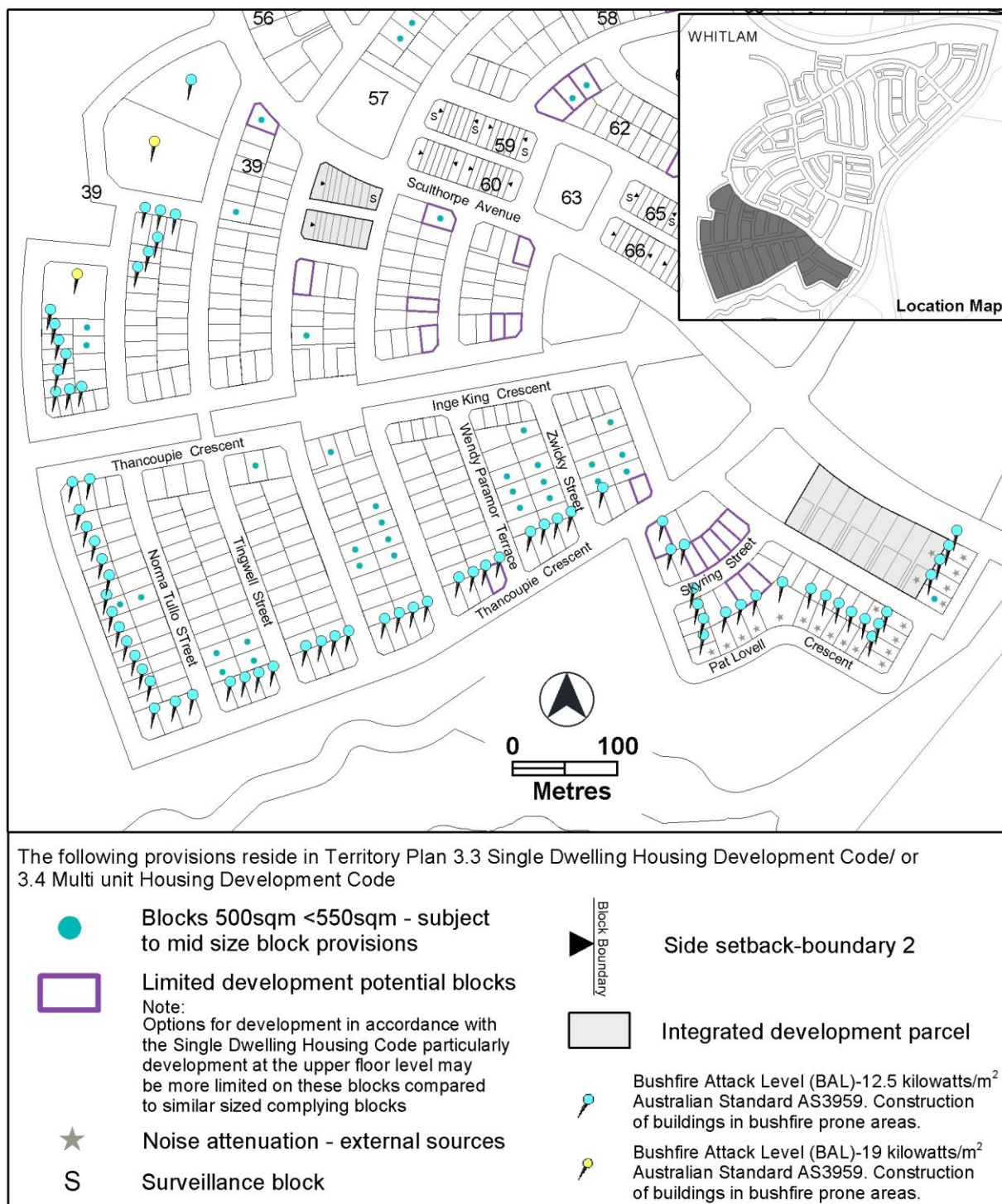


Figure 15 Whitlam residential area ongoing provisions

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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-għajnuna t'interpretu, ċempel:
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131 450

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