

Australian Capital Territory

# Planning and Development (Technical Plan Variation—Error Variation) Notice 2009

**Notifiable instrument NI2009—37**

**Technical Variation No 2009-03**

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 2009–03 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  
29 January 2009





**Planning & Development Act 2007**

**Technical Amendment  
to the Territory Plan**

**No. 2009-03**

**Miscellaneous Error Variation No. 4**

**February 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. 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).

**B. Non-Urban Zones NUZ3 – Hills, Ridges and Buffer Zone and NUZ5 – Mountains and Bushland Zone, amendment to the titles**

Correct the typographical error in the titles for NUZ3 and NUZ5 by deleting ‘s’ from the words ‘Buffers’ and ‘Bushlands’.

**C. Development Tables in all Zones – inclusion of Consolidation**

Under the repealed *Land (Planning and Environment) Act 1991* and the previous Territory Plan applications for subdivision and consolidation were subject to similar application and approval procedures. Under the new Territory Plan however ‘Subdivision’ has been listed as merit assessable development in the Development Tables in all zones but ‘Consolidation’ has been unintentionally omitted. This means that an application for consolidation of two or more leases could only be approved through the impact track.

This error variation proposes to include ‘Consolidation’ as a merit assessable development in the Development Tables of all zones.

**D. Definition for ‘Cemetery’ Part A**

It is proposed to delete the sub-category ‘Funeral parlour’ from the definition for ‘Cemetery’. Funeral Parlour is a stand alone definition and has been mistakenly listed as a sub-category under the definition for ‘Cemetery’.

**E. Definition for Commercial Accommodation Use Part A**

Correct the spelling mistake in the umbrella term for Commercial Accommodation Use.

**F. Definition of ‘Consolidation’ Part A**

In association with item C above it is proposed to include a definition for ‘Consolidation’ in the Territory Plan definitions by making reference to the definition in the *Planning and Development Act 2007*.

**G. Definition of ‘Guest house’ Part A**

In the definition for Guest house, insert the word ‘for’ in the first line after ‘land’.

**H. Definition of ‘Residential Care Accommodation’ Part A**

In the definition for Residential Care Accommodation, replace the semicolon after the word ‘meals’ with a comma.

**I. Definition for ‘Single dwelling housing’ Part A**

The definition for Single dwelling housing under the umbrella term of RESIDENTIAL USE is out of alphabetical order and is proposed to be moved to after the definition for ‘Retirement complex’.

**J. 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.

**K. Definition for ‘Transport Depot’ Part A**

Delete the definition for Transport Depot from the umbrella term for ‘Major Utility Installation’. This is an unintentional error which has included the definition twice in the Definitions of Development.

### **3. ERROR VARIATION**

#### **Variation to Residential Zones Development Tables**

**1 RZ1 – Suburban Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘Community activity centre’:*

Consolidation

**2 RZ2 – Suburban Core Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘Community activity centre’:*

Consolidation

**3 RZ3 – Urban Residential Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘Community activity centre’:*

Consolidation

**4 RZ4 – Medium Density Residential Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘Community activity centre’:*

Consolidation

**5 RZ5 – High Density Residential Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘Community activity centre’:*

Consolidation

## **Variation to Commercial Zones Development Tables**

**6 CZ1 – Core Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘COMMUNITY USE’:*

Consolidation

**7 CZ2 – Business Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘COMMUNITY USE’:*

Consolidation

**8 CZ3 – Services Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘COMMUNITY USE’:*

Consolidation

**9 CZ4 – Local Centre Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘COMMUNITY USE’:*

Consolidation

**10 CZ5 – Mixed Use Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘COMMUNITY USE’:*

Consolidation

**11 CZ6 – Leisure and Accommodation Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘COMMUNITY USE’:*

Consolidation



## Variation to Industrial Zone Development Table

### **12 IZ1 – General Industrial Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after 'COMMUNITY USE':*

Consolidation

### **13 IZ2 – Industrial Mixed Use Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after 'COMMUNITY USE':*

Consolidation

## Variation to Community Facility Zone Development Table

### **14 CFZ – Community Facility Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after 'Community theatre':*

Consolidation

## Variation to Parks and Recreation Zones Development Table

### **15 PRZ1 – Urban Open Space Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after 'Community activity centre':*

Consolidation

### **16 PRZ2 – Restricted Access Recreation Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after 'Community activity centre':*

Consolidation

## Variation to Transport and Services Zone Development Table

### **17 TSZ1 – Transport Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘Communications facility’:*

Consolidation

### **18 TSZ2 – Services Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘Communications facility’:*

Consolidation

## Variation to Non-Urban Zone Development Table

### **19 NUZ1 – Broadacre Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘Community activity centre’:*

Consolidation

### **20 NUZ2 – Rural Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘Communications facility’:*

Consolidation

### **21 NUZ3 – Hills, Ridges and Buffer Zone Title**

*Omit letter ‘s’ from the word ‘Buffers’ in the Title (above Zone Objectives)*

### **22 NUZ3 – Hills, Ridges and Buffer Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘Communications facility’:*

Consolidation

**23 NUZ4 – River Corridor Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘Ancillary use’:*

Consolidation

**24 NUZ5 – Mountains and Bushland Zone Title**

*Omit letter ‘s’ from the word ‘Bushlands’ in the Title (above Zone Objectives)*

**25 NUZ5 – Mountains and Bushland Zone Development Table, Assessable Development, Minimum Assessment Track Merit**

*Insert after ‘Communications facility’:*

Consolidation

## **Variation to Definitions**

**26 Part A – Definitions of Development – Definition for Cemetery-delete sub-category Funeral Parlour**

*Omit ‘Funeral Parlour’ from the sub-category column listed against the definition for ‘Cemetery’*

**27 Part A – Definitions of Development – correction of umbrella term ‘Commercial Accommodation Use’**

*Insert ‘m’ after ‘m’ and before ‘o’ in the word Accommodation*

**28 Part A – Definitions of Development – correction of definition for Guest house under the umbrella term Commercial Accommodation Use**

*Insert after ‘land’ and before ‘one’ the word ‘for’*

**29 Part A – Definitions of Development – new definition for Consolidation**

*Insert after ‘Religious associated use’ under the umbrella term for Community Use and before ‘Corrections facility’ in the ‘Development’ column:*

**Consolidation** has the same meaning as in the Planning and Development Act 2007.

**30 Part A – Definitions of Development – correction of definition for Residential Care Accommodation under the umbrella term Residential Use**

*Substitute comma for the semicolon after ‘meals’*

**31 Part A – Definitions of Development – correct the alphabetical order for the definition of Single dwelling housing under the umbrella term Residential Use**

*Relocate the definition for ‘Single dwelling housing’ from between ‘Multi-unit housing’ and ‘Residential Care Accommodation’ to*

*between ‘Retirement Complex’ and ‘Supportive Housing’.*

**32 Part A – Definitions of Development – delete the definition for Transport Depot from umbrella term for Major Utility Installation**

*Omit definition for ‘Transport Depot’ from the umbrella term ‘Major Utility Installation’ in the Development column.*

## 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-għajjuna t'interpretu, çempel:
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TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
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**TRANSLATING AND INTERPRETING SERVICE**  
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